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# PENNSYLVANIA BULLETIN

Volume 35

Number 18

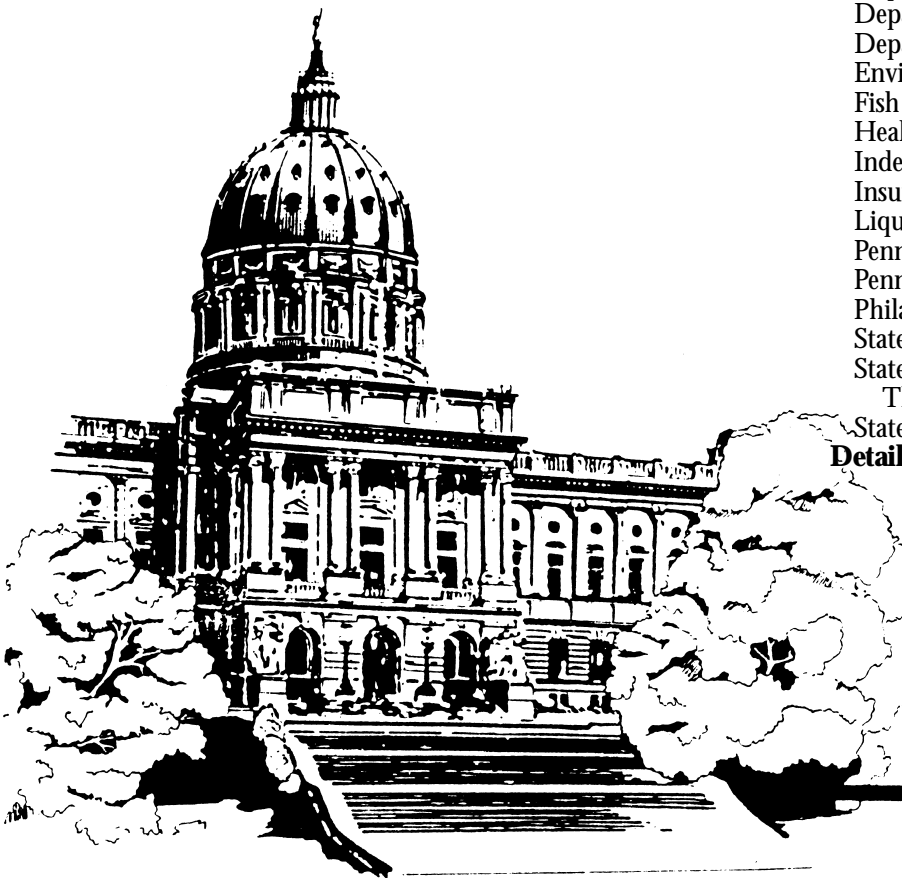
Saturday, April 30, 2005 • Harrisburg, Pa.

Pages 2591—2714

**Agencies in this issue:**

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The Courts  
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Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
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Health Care Cost Containment Council  
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Liquor Control Board  
Pennsylvania Council on Aging  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Osteopathic Medicine  
State Board of Social Workers, Marriage and Family  
Therapists and Professional Counselors  
State Real Estate Commission

**Detailed list of contents appears inside.**



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**No. 365, April 2005**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING [204 PA. CODE CH. 303]

[Correction]

#### Adoption of Sentencing Guidelines

Errors appeared in the adoption of the Sentencing Guidelines as submitted and published at 35 Pa.B. 1520, 1534, 1537 and 1549 (March 5, 2005). In § 303.15 (relating to offense listing), the Prior Record Points assigned to 18 Pa.C.S. § 2506 INCHOATE Drug Delivery Resulting in Death was printed incorrectly, the listing

and assignment of the omnibus offense gravity scores for 18 Pa.C.S. § 4915 Failure to Comply with Registration of Sexual Offenders Requirements was missing, the listing for 18 Pa.C.S. § 6105 (Persons Not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms) was printed incorrectly, and the listings for 42 Pa.C.S. § 9795.2(d)(1) and § 9795.2(d)(2) (Failure to Register) and 42 Pa.C.S. § 9796(e)(1) and § 9796(e)(2) (Failure to Verify Residence) were printed incorrectly.

The correct versions of these sections appear in Annex A.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VIII. CRIMINAL SENTENCING

#### CHAPTER 303. SENTENCING GUIDELINES

18 Pa. C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	* * * *			
2506 INCHOATE	- Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death	18 Pa.C.S. § 905	12	[ 3 ] 4
	* * * *			
4915 (a)(1)	Failure to Register, Sexual Offender Requirement (Lifetime, 3rd & subseq. offense)	F3	5	1
4915 (a)(1)	Failure to Register, Sexual Offender Requirement (10-year, 3rd & subseq. offense)	F3	5	1
4915 (a)(1)	Failure to Register, Sexual Offender Requirement (Lifetime, 2nd offense)	M1	3	m
4915 (a)(1)	Failure to Register, Sexual Offender Requirement (10-year, 2nd offense)	M2	2	m
4915 (a)(1)	Failure to Register, Sexual Offender Requirement (Lifetime)	M2	2	m
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4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Requirement (Lifetime, 3rd & subseq. offense)	F3	5	1
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Requirement (10-year, 3rd & subseq. offense)	F3	5	1
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Requirement (Lifetime, 2nd offense)	M1	3	m
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Requirement (10-year, 2nd offense)	M2	2	m

<b>18 Pa. C.S. §</b>	<b>OFFENSE TITLE</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
<b>4915 (a)(2)</b>	<b>Failure to Verify Address or be Photographed, Sexual Offender Requirement (Lifetime)</b>	<b>M2</b>	<b>2</b>	<b>m</b>
<b>4915 (a)(2)</b>	<b>Failure to Verify Address or be Photographed, Sexual Offender Requirement (10-year)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>4915 (a)(3)</b>	<b>Failure to Provide Accurate Information, Sexual Offender Requirement (Lifetime)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>4915 (a)(3)</b>	<b>Failure to Provide Accurate Information, Sexual Offender Requirement (10-year)</b>	<b>F3</b>	<b>5</b>	<b>1</b>

\* \* \* \* \*

<b>6105*</b>	<b>Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (loaded)</b>	<b>F2</b>	<b>10</b>	<b>2</b>
<b>6105*</b>	<b>Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (unloaded)</b>	<b>F2</b>	<b>9</b>	<b>2</b>
<b>6105*</b>	<b>Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (loaded)</b>	<b>M1</b>	<b>5</b>	<b>1</b>
<b>6105*</b>	<b>Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (unloaded)</b>	<b>M1</b>	<b>4</b>	<b>1</b>

\* \* \* \* \*

<b>42 Pa.C.S. §</b>	<b>OFFENSE TITLE</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
<b>[ 9795.2 (d)(1) ]</b>	<b>[ Failure to register (10-year registration) ]</b>	<b>[ F3 ]</b>	<b>[ 6 ]</b>	<b>[ 1 ]</b>
<b>[ 9795.2 (d)(2) ]</b>	<b>[ Failure to register (lifetime registration) ]</b>	<b>[ F1 ]</b>	<b>[ 8 ]</b>	<b>[ 3 ]</b>

<b>75 Pa.C.S. §</b>	<b>OFFENSE TITLE</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
<b>[ 9796 (e)(1) ]</b>	<b>[ Failure to [ Register ] verify residence (10-year registration) ]</b>	<b>[ F3 ]</b>	<b>[ 6 ]</b>	<b>[ 1 ]</b>
<b>[ 9796 (e)(2) ]</b>	<b>[ Failure to verify residence (lifetime registration) ]</b>	<b>[ F1 ]</b>	<b>[ 8 ]</b>	<b>[ 3 ]</b>

\* \* \* \* \*

[Pa.B. Doc. No. 05-825. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2005 GENERAL ACTS ENACTED—ACT 001</b>					
001	Apr 13	HB0002	PN1618	Immediately	Growing Greener Environmental Stewardship and Watershed Protection Enhancement Authorization Act—enactment

\* denotes an effective date with exceptions

## Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

## Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 05-826. Filed for public inspection April 29, 2005, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

#### Proposed Amendment to Rule 341

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 341. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bold.

All communications in reference to the proposed amendment should be sent no later than June 29, 2005 to:

Dean R. Phillips, Chief Counsel  
Rebecca M. Darr, Deputy Counsel  
Appellate Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or Fax to  
717-795-2116

or E-Mail to  
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court Procedural Rules Committee*  
HONORABLE JOSEPH A. HUDOCK,  
*Chair*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### FINAL ORDERS

#### Rule 341. Final Orders; Generally.

\* \* \* \* \*

(c) *Determination of Finality.* When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim or when multiple parties are involved, the trial court or other governmental unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) The trial court or other governmental unit is required to act on an application for a determination of finality under subdivision (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

\* \* \* \* \*

#### Explanatory Comment—2005

**In a declaratory judgment action, an order based on a pre-trial motion or petition affirmatively or negatively declaring the rights and duties of the parties is considered a “final order,” as defined by statute, under subdivision (b)(2) of Rule 342. *Nationwide Mut. Ins. Co. v. Wickett*, 563 Pa. 595, 763 A.2d 813 (2000); 42 Pa.C.S. § 7532. An order in a declaratory judgment action sustaining a demurrer, and dismissing some, but not all, defendants is an example of such an order. This type of order does not meet subdivision (b)(1)’s requirement of “finality” that an order must dismiss all claims and all parties. It is nevertheless considered to be a “final order,” because the legislature has defined it as such, by statute, in the Declaratory Judgment Act. It is important to note, however, that following a trial in a declaratory judgment action, an aggrieved party must file post-trial motions as required by Pa.R.C.P. No. 227.1, in order to preserve issues for appeal. *Motorists Mutual v. Pinkerton*, 574 Pa. 333, 830 A.2d 958 (2003); *Chalkey v. Roush*, 569 Pa. 462, 805 A.2d 491 (2002).**

[Pa.B. Doc. No. 05-827. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 100]

#### Amendment of Rule 76 to Provide for Computer Generated Signatures; Proposed Recommendation No. 202

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 76 governing definitions be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2005 to:

Harold K. Don, Jr.,  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by

the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 100. RULES OF CONSTRUCTION

##### Rule 76. Definitions.

The following words and phrases when used in [ **any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, ] the Rules of Civil Procedure** shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

\* \* \* \* \*

"signature," includes

(1) mark when the individual cannot write, the individual's name being written near it, and witnessed by another who writes his or her own name,

(2) when used in reference to documents generated by a court of the Unified Judicial System, a handwritten signature, a copy of a handwritten signature, a computer generated signature or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization unless otherwise provided in these rules.

\* \* \* \* \*

#### Explanatory Comment

The Administrative Office of Pennsylvania Courts is implementing a statewide system of automated court management. That system generates documents which may contain computer generated signatures. Rule 76 presently defines the term "signature" to include "a mark when the individual cannot write" and gives no guidance with respect to computer generated signatures.

It is proposed that Rule 76 be amended to facilitate the filing of documents generated by the courts of the Unified Judicial System by authorizing the signature on such documents to be an original signature, a copy of a signature, a computer generated signature or an electronic signature. The proposed rule incorporates the definition of signature in Rule of Criminal Procedure 103.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-828. Filed for public inspection April 29, 2005, 9:00 a.m.]

#### PART I. GENERAL

#### [231 PA. CODE CH. 3000]

#### Amendment of Rule 3135 Governing the Sheriff's Deed to Real Property; Proposed Recommendation No. 203

The Civil Procedural Rules Committee is proposing the amendment of Rule of Civil Procedure 3135 governing the

issuance of the sheriff's deed to real property. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2005 to:

Harold K. Don, Jr.,  
Counsel

Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 3000. JUDGMENTS

#### Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

##### Rule 3132. Setting aside sale.

\* \* \* \* \*

**Official Note:** For the time for delivery of the sheriff's deed to real property, see Rule 3135(a).

Adopted March 30, 1960, effective November 1, 1960.

##### Rule 3135. Sheriff's deed to real property. Correction of deed.

(a) When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of [ **ten** ] **thirty** days after [ **the filing of the schedule of distribution** ] **the execution sale**, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.

\* \* \* \* \*

#### Explanatory Comment

The proposed amendment to Rule 3135 governing the sheriff's deed to real property eliminates a gap in the execution rules and dissociates the execution and delivery of the sheriff's deed from the filing of the schedule of distribution.

Rule 3135(a) currently provides in part that "the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold." This rule does not take into consideration the second sentence of Rule 3136(a) which provides that a schedule of distribution need not be filed where the property is sold to the plaintiff for costs only. Rule 3135(a) provides no guidance to the sheriff in this instance. The proposed amendment eliminates the gap by providing a definite time period for execution and delivery of the sheriff's deed applicable to all execution sales, including a sale to the plaintiff for costs only.

Where no petition to set aside the sale is filed, the proposed amendment measures the time for execution and delivery of the sheriff's deed from the date of the sheriff's sale rather than the date of the filing of the schedule of distribution. The revised rule provides that the delivery of the deed is not dependent on the filing of the schedule of distribution and makes applicable to all execution sales a uniform time period for execution and delivery of the sheriff's deed.

Under the current system, there can be a significant and unpredictable delay in the delivery of the sheriff's deed to the purchaser. The amended rule provides both certainty and promptness with respect to the execution and delivery of the sheriff's deed. Parties will have a definite time period in which to file a petition to set aside a sale of real property, i.e., thirty days from the date of the sale. The prompt delivery of the sheriff's deed to the purchaser will facilitate the change in ownership of the property and enable the purchaser to enjoy the benefits and responsibilities with respect to that ownership.

Rule 3132 governing the setting aside of the sale remains unchanged. However, a note has been added cross-referring to revised Rule 3135(a) which ties the time for the delivery of the deed to the date of the execution sale.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 05-829. Filed for public inspection April 29, 2005, 9:00 a.m.]

## PART I. GENERAL

### [231 PA. CODE CH. 1300]

#### **Amendment of Rule 1311.1 Governing Appeals from Awards in Compulsory Arbitration; Proposed Recommendation No. 204**

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311.1 governing the admission of documentary evidence upon an appeal from the award of arbitrators in compulsory arbitration be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2005 to:

Harold K. Don, Jr.,  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1300. COMPULSORY ARBITRATION

#### Subchapter A. RULES

#### **Rule 1311.1 Procedure on Appeal. Admission of Documentary Evidence.**

(a)(1) [The ] Except as otherwise provided by subdivision (a)(2), plaintiff may stipulate to [ \$15,000.00 ] \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The stipulation shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial.

(2)(i) A court may provide by local rule that a plaintiff may stipulate to \$15,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators

(ii) The local rule shall be designated Local Rule 1311.1 and shall be promulgated, published and effective as provided by Rule 239.8(b) through (d).

**Official Note:** A local rule promulgated under subdivision (a)(2) must be published on the UJS Web Portal of the Administrative Office of Pennsylvania Courts.

\* \* \* \* \*

(e) The stipulation required by subdivision (a)(1) shall be substantially in the following form:

#### (Caption)

#### **Stipulation to Limitation of Monetary Recovery Pursuant to Rule 1311.1**

To: \_\_\_\_\_ :  
(Name of Party/Parties)

\_\_\_\_\_, plaintiff, stipulates to (\$15,000.00) (\$25,000.00) as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

\_\_\_\_\_  
(Name of Plaintiff)

\_\_\_\_\_  
(Attorney for Plaintiff)

\_\_\_\_\_  
(Date)

**Official Note:** The plaintiff must set forth maximum recoverable damages of \$25,000.00 or of \$15,000.00 if the court has limited the application of the rule by local rule pursuant to subdivision (a)(2).

The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

\* \* \* \* \*

#### Explanatory Comment

Rule 1311.1 governing the admission of documentary evidence upon the trial de novo of an appeal from the award of arbitrators in compulsory arbitration became

effective September 1, 2003. The response of the bench and bar has been overwhelmingly favorable.

The rule as promulgated applies to appeals in which the plaintiff stipulates to \$15,000.00 as the maximum amount of recoverable damages in the appeal. In light of the favorable reception to the rule, it is proposed that the maximum amount of recoverable damages be increased to \$25,000.00.

The rule also provides that a local court may continue the present maximum amount of recoverable damages at \$15,000.00. However, a court choosing to maintain the present limit must promulgate a local rule numbered Local Rule 1311.1 so stating and publish it on the UJS Web Portal according to the procedures set forth in Rule 239.8.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-830. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Standard Interrogatories in Compulsory Arbitration Cases; Motor Vehicle Liability and Premises Liability Cases; Trial Division Administrative Doc. No. 2005-02

##### Order

*And Now*, this 8th day of April, 2005, upon consideration of the stated purposes of the Compulsory Arbitration Program, which is designed to enable the Court and the litigants to equitably, fairly, and expeditiously dispose of certain types of cases, see 42 Pa.C.S. § 7361, Pa.R.C.P. 1301 et seq., and Phila.Civ.R. \*1301 et seq., and upon review and consideration of Pa.R. C.P. 4005, which authorizes the Court to adopt, and limit, the number of standard interrogatories as justice may require, it is hereby *Ordered, Adjudged, and Decreed* that as to Motor Vehicle Liability and Premises Liability cases assigned to the Compulsory Arbitration Program:

1) The following "Standard" Interrogatories are adopted by the Court:

- a) Plaintiff's Interrogatories Addressed to Defendant—Motor Vehicle Liability, Exhibit "A"
- b) Defendant's Interrogatories Addressed to Plaintiff—Motor Vehicle Liability, Exhibit "B"
- c) Plaintiff's Interrogatories Addressed to Defendant—Premises Liability, Exhibit "C"
- d) Defendant's Interrogatories Addressed to Plaintiff—Premises Liability, Exhibit "D."

2) The following Requests for Production of Documents are adopted by the Court:

- a) Plaintiff's Request for Production of Documents, Exhibit "E" and
- b) Defendant's Request for Production of Documents, Exhibit "F."

3) Objections. The Court will not entertain objections to the standard interrogatories or document requests. Parties who serve objections may be subject to appropriate sanctions, including imposition of counsel fees.

4) Service of Standard Interrogatories and Requests for Production of Documents.

At any time after the filing of an Answer to the Complaint, a party may request any other party to answer standard interrogatories and/or respond to standard document request by serving on all other parties a Notice to Answer or Respond To Standard Written Discovery, substantially in the form attached hereto as Exhibit "G." Answers and responses shall be provided to all parties within thirty days of the service of the Notice, but shall not be filed with the Court or Prothonotary unless relevant to a motion or other pretrial proceeding, ordered by the court or required by statute. Once the Notice is served on any party, all other parties, including the parties serving the Notice, shall answer the standard interrogatories applicable to them within thirty days of the service of the original Notice. Only the standard interrogatories and document requests approved herein shall be served and answered by the parties, except as provided in paragraph (6) hereunder.

5) A copy of the standard interrogatories or document requests need not be attached to the Notice served on attorneys, but must be provided to unrepresented parties. Copies of the above documents may be obtained on the court's website, at <http://courts.phila.gov>.

6) Additional Written Discovery

(a) General Rule. No additional interrogatories or document requests will be permitted as to Motor Vehicle and Premises Liability cases filed in the Compulsory Arbitration Program unless the answering or responding party agrees, or as further provided hereunder.

(b) Limited Supplementation. Any party may serve up to five (5) additional interrogatories or document requests that are specifically tailored to the case and are not duplicative of the standard interrogatories or document requests. Each subpart shall be considered a separate interrogatory or request for purposes of this limitation.

(c) Arbitrational Appeals. Any party may serve up to ten (10) additional interrogatories, within thirty days of the filing of an appeal from an Arbitration Award. Each subpart shall be considered a separate interrogatory for purposes of this limitation.

(d) Leave of Court. Upon receipt of answers to standard interrogatories or responses to standard document requests, any party may file an appropriate discovery motion under Phila. Civ.R. \*208.3, seeking leave of court to serve additional interrogatories or document requests. The moving party must allege and show good cause why the additional standard interrogatories or document requests are reasonably necessary to prepare its case for trial.

7) Dead Man's Rule. In the event that any party wishes to invoke the Dead Man's Rule, that party shall notify the opposing party, in writing, of its intention to invoke said Rule, within twenty (20) days of the time the Notice to Answer or Respond to Standard Written Discovery was served. In such a case, the party who is invoking the Dead Man's Rule shall have no obligation to answer the standard interrogatories or produce the documents requested, until otherwise ordered by the Court.

8) Effective Date. This Administrative Order will become effective on June 6, 2005.



This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Pa.R.C.P. 4005 and Pa.R.Civ.P. 239. As required by Pa.R.Civ.P. 239, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District at: <http://courts.phila.gov>.

By the Court

JAMES J. FITZGERALD, III,  
Administrative Judge

EXHIBIT "A"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
:  
:  
: Compulsory Arbitration  
: Program  
vs. :  
:  
: \_\_\_\_\_ Term, 20  
:  
DEFENDANT'S NAME : No. \_\_\_\_\_

PLAINTIFF'S INTERROGATORIES DIRECTED TO  
DEFENDANT(S)

Motor Vehicle Liability Cases

Plaintiff(s) hereby make demand that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendant(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not

known to Defendant(s), their counsel, or other representatives at the time of service of the Answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (i.e. pedestrian, bicycle, etc.).

1. State:

(a) If an individual: Full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time the cause of action arose and currently, residence and business addresses at time of cause of action and currently and Social Security Number.

(b) If a corporation: registered corporation name, principal place of business and registered address for service of process at the time the cause of action arose and currently.

(c) If a partnership: registered partnership name, principal place of business and registered address for service of process at the time the cause of action arose and currently as well as the identities and residence addresses of each partner at the time the cause of action arose and currently.

2. If you (and/or your operator) were/are employed, state:

(a) By whom, at the time the cause of action arose and currently;

(b) Your title or position and accompanying duties and responsibilities at the time the cause of action arose and currently;

(c) The length of your employment as of the time the cause of action arose and currently.

3. If at the time of the alleged accident, you (or your operator) possessed a valid license to operate a motor vehicle, state:

(a) The Commonwealth or State issuing it;

(b) The issuance date and expiration date;

(c) The operator's number of such license;

(d) The nature of any restriction(s) on said license.

4. Identify:

(a) Your applicable motor vehicle insurance carrier at the time the cause of action arose;

(b) Your applicable liability insurance benefits coverage limits;

(c) Your applicable umbrella and/or excess liability insurance benefits coverage limits at the time the cause of action arose.

5. If you (or your operator) ever had a driver's license suspended or revoked, state:

(a) When, where and by whom it was suspended or revoked;

(b) The reason(s) for such suspension or revocation;

(c) The period of such suspension or revocation;

(d) Whether such suspension or revocation was lifted and if so, when.

6. If you (or your operator) have had a claim made against you for the negligent operation of a motor vehicle within the last five (5) years, state:

(a) Your applicable motor vehicle liability insurance benefits carrier at the time that cause of action arose;

(b) The Commonwealth or State, County, Court, Term and Number of any lawsuits arising from that cause of action.

7. State the purpose of the motor vehicle trip you (or your operator) were on at the time of the alleged accident.

8. State whether or not you (or your operator) were familiar with the scene of the alleged accident and how often you traveled through same.

9. If the Defendant's motor vehicle involved in the alleged accident was damaged in any manner, describe in detail.

10. If you (or your operator) consumed any alcoholic beverage(s), medications (prescription and/or over-the-counter) or any illicit drugs, during the forty-eight (48) hours immediately preceding the alleged accident, state:

(a) The nature, amount and type of item(s) consumed;

(b) The period of time over which the item(s) was/were consumed;

(c) The names and addresses of any and all persons who have any knowledge as to the consumption of the aforementioned items (i.e. witnesses, physicians, etc.)

11. If at the time of the alleged accident, you (or your operator) suffered from any deformity, disease, ailment, disability or abnormality, or were under a physician's care for any condition, then describe.

12. Identify your (and/or your operator's) family (or "primary care") physician and their professional address at the time the cause of action arose and currently.

13. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

14. If there were any traffic control devices in the area of the alleged accident at that time, state:

(a) The type of control(s) (i.e. stop sign, traffic light, policeman, etc.);

(b) Your distance from the site of the collision when you first observed the control;

(c) Whether or not the traffic control was functioning properly;

(d) To which street or byway the signal was controlling or designed to control.

15. Describe the streets or other byways involved in the alleged accident, as follows:

(a) In terms of traffic lanes (i.e. parking, travel, turn-only lanes), the width of the streets or other byways;

(b) Type of road surface (i.e. concrete, black top, dirt, gravel, etc.);

(c) Roadway surface condition(s) (i.e. dry, wet, muddy, etc.);

(d) Any defects in the roadway which you believe contributed to the happening of the alleged accident.

16. State in detail the manner in which the alleged accident occurred, specifying the speed, position, direction and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

17. State:

(a) In which lane the respective motor vehicles were traveling before the alleged accident occurred and in which lane the alleged accident occurred;

(b) When you first observed the other motor vehicle (or pedestrian, bicycle, etc.) involved in the alleged accident, stating the distance at that moment from the ultimate point of contact and the respective speeds of the motor vehicles at that time;

(c) The speed of your vehicle;

(1) At 100 feet from the point of contact;

(2) At 50 feet from the point of contact;

(3) At the point of contact.

(d) Whether your (or your operator's) view was clear or what obstruction, if any, existed at the time of the alleged accident;

(e) What you (or your operator) did in an attempt to avoid the alleged accident;

(f) The exact point of contact of the motor vehicles, in terms of distance from the various curb lines or other significant landmarks and their final resting positions;

(g) Whether the responding and/or investigating police officers cited any of the drivers involved in the alleged accident for a violation(s) of any statute, law, ordinance or regulation and if so, describe.

18. If there was any physical evidence of the alleged accident at the scene, describe what it was and where it was located in relation to the curb lines or other significant landmarks.

19. If after the alleged accident, there were any skid marks or yaw marks remaining on the roadway, describe their dimensions (length and width) and identify the motor vehicle which created the markings.

20. If a Police investigation was conducted, state the control number, the incident number and/or the report number, thereof.

21. If you (or your operator) appeared before any Traffic Court, Municipal Court or District Court, state the date and location and whether testimony was offered.

22. Do you admit that you (or your operator) were negligent in the operation and/or control and/or entrustment of a motor vehicle at the time of the alleged accident?

23. If you contend that Plaintiff was guilty of comparative/contributory negligence, then fully and specifically describe upon what conduct, acts or omissions of Plaintiff you base your contention.

24. If you and/or other occupants of your motor vehicle sustained any injuries in the alleged accident, state the nature of those injuries and identify any and all healthcare professionals you/they consulted and/or treated with.

25. If you have made any claim for benefits under the Pennsylvania Motor Vehicle Financial Responsibility Law, or any similarly applicable State Statute or Act, state:

(a) The name of the insurance company to whom the claim was submitted;

(b) The applicable claim number;

(c) The name of the individual at the company who supervised your claim;

(d) The total amount of healthcare professionals charges (i.e. medical bills) claimed;

(e) The total amount of wage-loss claimed;

(f) The total amount of any other economic losses and/or damages claimed (i.e. property damage);

(g) The total amount of healthcare professionals charges, wage loss and/or other economic losses and/or damages actually paid pursuant to such law, Statute or Act.

26. If you made any claim, or you contemplate making any claim, for damages and/or losses sustained as a direct result of the alleged accident, state the damages and/or losses claimed, the insurance carrier to whom such claim was made and the Commonwealth or State, County, Court, Term and Number of any lawsuit filed in this regard. If the matter was amicably resolved (i.e. settled), identify with whom and for what amount of compensation.

27. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

28. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists) for opinion(s), either oral or written, whom you *do not intend* to have testify at trial on your behalf, please state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter of the expert witness' oral or written report;

(g) The location of and/or whom has the care, custody, possession and/or control of the expert witness' oral or written report, made to anyone other than yourself (i.e. an insurance company) providing an identity and address.

29. If you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s), state:

(a) By whom (name and address of company and individual);

(b) The date(s) of such surveillance;

(c) The time(s) of such surveillance;

(d) The location(s) of such surveillance;

(e) The method by which such surveillance was made;

(f) A summary of what such surveillance reveals.

30. State the name, home and business addresses of the following:

(a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;

(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident.

31. At the time of the alleged accident or immediately thereafter, did you (or your operator) have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence. If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

32. State the name and address of the person answering these Interrogatories and their relationship with the Defendant.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff(s)  
Identification No.:  
Address  
Telephone No.:  
Fax No.:  
e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
Signature

#### EXHIBIT "B"

#### FIRST JUDICIAL DISTRICT OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division

:

: Compulsory Arbitration  
Program

vs.

:

: \_\_\_\_\_ Term, 20

:

DEFENDANT'S NAME : No. \_\_\_\_\_

#### DEFENDANT'S INTERROGATORIES ADDRESSED TO PLAINTIFF(S)

#### Motor Vehicle Liability Cases

Defendant(s) hereby make demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in

Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), their counsel, or other representatives at the time of service of the answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (i.e. pedestrian, bicycle, etc.).

1. State:

(a) Your full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time the cause of action and currently, residence and business addresses at the time the cause of action arose and currently and Social Security Number.

(b) Identify all other persons residing at your address at the time of the alleged accident;

(c) Identify all persons, by name and address, who had motor vehicles registered to the address you resided at, at the time of the alleged accident.

2. Identify, by name and address, at the time of the alleged accident and currently, the driver and owner of your motor vehicle involved in the alleged accident, and state:

(a) The date of issuance and each Commonwealth or State in which the driver has been licensed to operate a motor vehicle;

(b) Any and all restrictions on any of the aforementioned driver's license(s). If corrective lenses were required, state whether or not you (or they) were wearing them at the time of the alleged accident;

(c) Whether any such license(s) have ever been suspended or revoked, and, if so, when, where, by whom and the reason(s) therefore;

(d) The nature, extent and duration of any physical and/or mental defects you suffered from at the time of and prior to the alleged accident.

3. Identify all Commonwealths or States in which you were the registered owner of a motor vehicle on the date of the alleged accident. Identify the financial responsibility upon such motor vehicles, as defined by 75 Pa.C.S. Section 1702.

4. State in detail the manner in which the alleged accident occurred, specifying the speed, position, direction

and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

5. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

6. Describe the streets or other byways involved in the alleged accident, as follows:

(a) In terms of traffic lanes (i.e. parking, travel, turn-only lanes), the width of the streets or other byways;

(b) Type of road surface (i.e. concrete, black top, dirt, gravel, etc.);

(c) Roadway surface condition(s) (i.e. dry, wet, muddy, etc.);

(d) Any defects in the roadway which you believe contributed to the happening of the alleged accident.

7. State:

(a) In which lane the respective motor vehicles were traveling before the alleged accident and in which lane the alleged accident occurred;

(b) When you first observed the other motor vehicle involved in the alleged accident, stating the distance at that moment from the ultimate point of contact and the respective speeds of the motor vehicles at that time;

(c) The speed of your vehicle;

(1) At 100 feet from the point of contact;

(2) At 50 feet from the point of contact;

(3) At the point of contact.

(d) Whether your (or your operator's) view was clear, or what obstruction, if any, existed at the time of the alleged accident;

(e) What you (or your operator) did in an attempt to avoid the alleged accident;

(f) The exact point of contact of the motor vehicles, in terms of distance from the various curb lines or other significant landmarks and their final resting positions;

(g) Whether the responding and/or investigating police officers cited any of the drivers involved in the alleged accident for a violation(s) of any statute, law, ordinance or regulation and if so, describe.

8. Describe any and all damage to the motor vehicle in which you were an occupant or driver as a direct result of the alleged accident.

9. Identify the person and/or company who repaired and/or evaluated your motor vehicle to prepare a repair estimate.

10. If the motor vehicle you were the owner and/or driver or occupant of has been sold since the time of the accident, state the date of the sale, identify by name and address the person who purchased the motor vehicle and the sale price of the motor vehicle.

11. State your address of departure and intended destination during your route of travel at the time of the alleged accident.

12. State the name, home and business address of the following:

(a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;

(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and manner of the happening of the alleged accident or the nature of the injuries sustained in the alleged accident.

13. List by company name, claim address and policy number(s) all policies of motor vehicle and/or health/medical insurance (including HMOs and health and welfare funds) providing coverage to you on the date of the accident for any portion of your injuries/damages which you contend are related to the accident. Provide copies of the "declaration sheets" of all such policies in your possession, custody and/or control. With respect to any motor vehicle policy issued in the Commonwealth of Pennsylvania, indicate your Tort Option selection (i.e. "Full Tort" or "Limited Tort").

14. State all economic as well as non-economic damages and/or losses you believe you sustained as a direct result of the alleged accident. Describe in detail all injuries you sustained, including their nature, extent and duration.

15. State:

(a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;

(b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;

(c) The identity, by name and address of any diagnostic test center that provided services and what test were performed;

(d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges.

(e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.

16. If you contend that the alleged accident aggravated a pre-existing condition(s), state:

(a) The nature and extent of such pre-existing condition;

(b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;

(c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and

(d) The date of and circumstances causing you to incur the pre-existing condition(s).

17. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you recovered. If you have not fully recovered from your injuries, then describe any pain, ailment, complaint, injury or disability that you allege you still suffer from as a direct result of the alleged accident.

18. State whether you sustained any injuries or suffered from any disease, deformity, or impairment, prior to or subsequent to the accident herein, which in any way affected those parts of your body claimed to have been injured as a direct result of the instant accident. If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted with and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

19. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

(a) By whom;

(b) Your stated title or position and accompanying duties and responsibilities;

(c) The length of your employment;

(d) Number of hours worked per week and/or number of days worked per week;

(e) Hourly wage and/or salary as well as supplemental wages (i.e. bonuses, overtime, etc.).

20. State the dates you have been absent from work since the date of the alleged accident for reasons relating to the injuries, damages and/or losses you sustained in the accident. If you have returned to your employment, state the date you returned and whether there had been any change in your stated title or position, accompanying duties and/or responsibilities and/or your wage, salary or supplemental wages and identify by name and address the employment you returned to.

21. Describe in detail any future lost wage claim and/or impairment of earning capacity and/or power you believe you will have as a direct result of the alleged accident and the basis thereof.

22. If you have ever been involved in any prior litigation as a party or witness, describe the nature of the lawsuit, the Commonwealth or State, County, court term and number of the lawsuit, as well as the outcome of the lawsuit, if you were a party thereto.

23. If you allege that the Defendant(s) violated any Statute, law, ordinance or regulation which contributed to the happening of the alleged accident, cite the Title and Section of said law and describe the basis for such allegation.

24. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

25. State whether you have been convicted of any crime(s) in the past ten (10) years, and if so, state the nature of such conviction.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

#### EXHIBIT "C"

#### FIRST JUDICIAL DISTRICT OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
 :  
 :  
 : Compulsory Arbitration  
 : Program  
 vs. :  
 :  
 : \_\_\_\_\_ Term, 20  
 :  
 DEFENDANT'S NAME : No. \_\_\_\_\_

#### PLAINTIFF'S INTERROGATORIES TO DEFENDANTS PREMISES LIABILITY CASES

Plaintiff(s) hereby make demand that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendant(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not

known to Defendant(s), their counsel, or other representatives at the time of service of the Answers.

1. Identify, by name, title, residence and business address(es) (if employed by defendant, so state, as well as in what capacity) the following individuals:

(a) All persons known to defendant (or known to any person acting on behalf of the defendant) who actually witnessed all or any part of the accident:

(b) All persons known to defendant (or known to any person acting on behalf of the defendant) who were present at or near the scene at the time of the accident;

(c) All persons who last examined or inspected the place where the accident occurred, prior to the accident;

(d) All persons who first examined or inspected the place where the accident occurred, subsequent to the accident;

(e) As to Statements obtained by or on behalf of defendant, or any other Statements known or believed by defendant to have been obtained from any of the persons identified in (a), (b), (c), and/or (d) above, identify all persons providing such Statements; whether the said Statements were written or oral, and identify all persons in possession, custody and/or control of such Statements

2. Except as set forth in 1 above, identify, by name, title, residence and business address(es) and their employers, all persons, including potential expert witnesses (and their field of expertise), from whom defendant or anyone acting on defendant's behalf has obtained any information as to how the accident happened, the cause of the accident or alleged resulting injuries.

3. Did defendant, or anyone acting on behalf of the defendant, receive any reports or complaints from any source during the six (6) months prior to the accident, concerning the conditions of the place where the accident occurred? If so, state:

(a) When:

(b) From whom received:

(c) The nature of each such report or complaint:

(d) Any action(s) taken by defendant in response thereto:

(e) The name, address and job title of the person(s) who has custody, possession and/or control of such reports or complaints.

4. Were any repairs or changes made to the place where the accident occurred (or instrumentality involved in the accident) after the accident occurred? If so, state when they were made, the kind of repairs or changes made, and identify who made such repairs or changes, as well as whose decision it was to initiate the repairs or changes.

5. Set forth the names and addresses of all persons, other than the plaintiff, who have made a claim against the defendant(s) for injuries or damages allegedly occurring in substantially the same area or manner, during the two (2) year period preceding this accident. If lawsuits have been filed concerning any of those claims, state the Commonwealth or State, County, court term and number.

6. (a) At the time of the accident, were the premises where the accident occurred possessed, controlled and/or maintained by the defendant(s)? If not, identify who did possess, control and/or maintain them.

(b) Identify, including name, title, residence and business address(es) the person(s) who last maintained and/or cleaned the premises (or instrumentality) where the accident occurred.

7. Are the premises where the accident occurred owned or leased by the defendant(s). If leased, state:

(a) From whom said premises are leased:

(b) Dates of said lease:

8. State any violations of City Ordinances or Codes for which defendant or anyone acting on defendant's behalf were cited regarding the alleged accident as well as the dates of said violations.

9. Were there any signs, barriers or anything else at or near the scene of the alleged accident (or instrumentality) warning of the conditions existing thereon? If so, state:

(a) When said warnings were placed at the scene and by whom:

(b) Describe exactly what the warning was and the exact dimensions of said warning:

(c) The exact location of said warning.

10. State whether or not the defendant(s) (or anyone acting on behalf of the defendant(s)) are in the possession, custody and/or control of or know of the existence of any photographs, sketches, reproductions, charts, maps or diagrams of the scene of the accident, and if so, state:

(a) The date(s) they were taken or made:

(b) The name, title, residence and business address of the person(s) taking them and in the possession, custody and/or control of them:

(c) The subject or object of the particular site or view of each of them.

11. Is defendant's name correct as it appears in the complaint? If not, provide the correct name for purposes of litigation.

12. State the weather conditions on the day of and the day before the accident and whether you allege that the weather conditions contributed to the happening of Plaintiff's accident.

13. Identify, by name, title, residence and business address(es), the persons supplying the answers to these Interrogatories and whether they do so from personal knowledge. Otherwise, state the sources from which the information was obtained.

14. Was/were defendant(s) insured by any carrier for liability and/or excess (i.e. "umbrella") benefits applicable to Plaintiff's accident? If so, identify by name and address the insurance carrier and the exact name of the insured and the amount of applicable liability insurance benefits. If self-insured, for all or any monetary part of a liability claim, so state (including the limits).

15. Was any videotaping performed on the day of this accident at the location where the accident occurred? If so, was there any type of log, record, compilation or other documentation of the videotaping performed; identify by name, title, residence and business address, the person who is charged with the care, custody, possession and/or control of the recording(s).

16. If you contend that plaintiff was guilty of comparative/contributory negligence, then fully and specifically describe upon what conduct, acts or omissions of plaintiff you base your contention. If you contend that

any other party, person and/or entity is responsible for the plaintiff's injuries, damages and/or losses, then fully and specifically describe upon what conduct, acts or omissions of such party, person and/or entity you base your contention.

17. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds for each opinion the expert is expected to testify.

18. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists) for opinion(s), either oral or written, whom you *do not intend* to have testify at trial on your behalf, please state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter of the expert witness' oral or written report;

(g) The location of and/or whom has the care, custody, possession and/or control of the expert witness' oral or written report made to anyone other than yourself (i.e. an insurance company) providing an identity and address.

19. If you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s), state:

(a) By whom (name and address of company and individual);

(b) The date(s) of such surveillance;

(c) The time(s) of such surveillance;

(d) The location(s) of such surveillance;

(e) The method by which such surveillance was made;

(f) A summary of what such surveillance reveals.

20. At the time of the alleged accident or immediately thereafter, did you (or your agent(s), servant(s), worker(s) and/or employee(s)) have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence. If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it occurred.

21. Identify any healthcare professionals' records you are in the possession, custody and/or control of.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

EXHIBIT "D"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
 :  
 : Compulsory Arbitration  
 : Program  
 vs. :  
 : \_\_\_\_\_ Term, 20  
 :  
 DEFENDANT'S NAME : No. \_\_\_\_\_

DEFENDANT'S INTERROGATORIES ADDRESSED TO  
PLAINTIFF  
Premises Liability Cases

Defendant(s) hereby make demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), their counsel, or other representatives at the time of service of the answers.

1. State:

(a) Your full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time of the cause of action and currently, residence and business addresses at the time the cause of action arose and currently and Social Security Number.

2. Describe in detail how the accident/incident giving rise to this lawsuit occurred, including but not limited to the date, time, location, weather conditions and lighting conditions of the area where the accident/incident occurred.

3. State the names and addresses of all persons whom you or anyone acting on your behalf, know or believe:

(a) Actually witnessed the accident/incident;

(b) Were present at the scene of the accident/incident, immediately after its occurrence;

(c) Were within sight or hearing of the accident/incident;

(d) Witnessed any of the events leading up to the accident/incident, subsequent to the accident/incident, or of the subsequent investigation; and

(e) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident or the nature of the injuries sustained in the alleged accident.

4. Describe in detail all injuries sustained by you as a result of the alleged accident/incident, including but not limited to the nature, extent and duration of such injuries.

5. State:

(a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;

(b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;

(c) The identity, by name and address, of any diagnostic test center that provided services and what tests were performed;

(d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges.

(e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.

6. If you contend that the alleged accident aggravated a pre-existing condition(s), state:

(a) The nature and extent of such pre-existing condition;

(b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;

(c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and

(d) The date of and circumstances causing you to incur the pre-existing condition(s).

7. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you recovered. If you have not fully



recovered from your injuries, then describe any pain, ailment, complaint, injury or disability that you allege you still suffer from as a direct result of the alleged accident.

8. State whether you sustained any injuries or suffered from any disease, deformity, or impairment, prior to or subsequent to the accident herein, which in any way affected those parts of your body claimed to have been injured as a direct result of the instant accident. If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

9. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

(a) By whom;

(b) Your stated title or position and accompanying duties and responsibilities;

(c) The length of your employment;

(d) Number of hours worked per week and/or number of days worked per week;

(e) Hourly wage and/or salary, as well as supplemental wages (i.e. bonuses, overtime, etc.).

10. State the dates you have been absent from work since the date of the alleged accident for reasons relating to the injuries, damages and/or losses you sustained in the accident. If you have returned to your employment, state the date you returned and whether there had been any change in your stated title or position, accompanying duties and responsibilities and your wage, salary or supplemental wages and identify by name and address the employment you returned to.

11. Describe in detail any future lost wage claim and/or impairment of earning capacity and/or power you believe you will have as a direct result of the alleged accident and the basis thereof.

12. State all economic as well as non-economic damages and/or losses you believe you sustained as a direct result of the alleged accident. Describe in detail all injuries you sustained, including their nature, extent and duration.

13. State whether you had any conversation with the defendant(s) or a representative of the defendant(s). If so, state, in detail, the subject matter of the conversation and the dates thereof.

14. If you have obtained any Statement(s) from the defendant(s) or defendant's representative(s) or from any other person relating to the subject accident/incident, state the date of such Statement(s), by whom it was taken and the context of such Statement(s).

15. If you allege that the Defendant(s) violated any Statute, law, ordinance or regulation which contributed to the happening of the alleged accident, cite the Title and Section of said law and describe the basis for such allegation.

16. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

17. State whether you have been convicted of any crime(s) in the past ten (10) years, and if so, state the nature of such conviction.

18. State the name and address of the photographer and/or videographer who took any photos or videos relating to the alleged accident/incident, if any, and the date that they were taken.

19. If you have ever been involved in any prior litigation as a party or witness, describe the nature of the lawsuit, the Commonwealth or State, County, court term and number of the lawsuit, as well as the outcome of the lawsuit, if you were a party thereto.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff(s)  
Identification No.:  
Address  
Telephone No.:  
Fax No.:  
e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
Signature

#### EXHIBIT "E"

#### FIRST JUDICIAL DISTRICT OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF'S NAME	:	Civil Trial Division
	:	
	:	Compulsory Arbitration
	:	Program
	:	
vs.	:	_____ Term, 20
	:	
DEFENDANT'S NAME	:	No. _____

**PLAINTIFF(S) REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO DEFENDANT(S)**

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Plaintiff's counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

**DEFINITIONS**

A. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

F. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

G. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

H. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

I. The period of time encompassed by these requests shall be from the date of the alleged accident to the date

of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

J. For purposes of the Rule, a statement includes:

(1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

**REQUESTS**

1. The entire claims and investigation file or files including but not limited to daily activity sheets, diary sheets, and status sheets of any insurance adjuster and/or risk employee/manager, internal memoranda regarding this claim created, sent and/or received by any insurance adjuster or other adjuster, risk employee/manager and/or by the Defendant(s) or an agent/employee of the Defendant(s), communications to and from all insurance carriers, parties, Defendant(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Defendant(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. Any and all documents and communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Defendant(s) in *anticipation* of litigation or *preparation* for trial and who are *not* expected to be called as witnesses at trial or as to whom no such decision has yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.

4. The name, home and business address of the insurance carrier investigators employed by the Defendant(s) or its insurance carrier to investigate this claim, treatment of the Plaintiff(s), witnesses, or any other aspect of the incidents that form the basis of Plaintiff(s) Complaint. Also, attach any documents, records or communications of or prepared by the investigator acquired as a result of their investigation(s), including but not limited to telephone calls, correspondence, facsimiles, e-mail, billing, inspections or observations, interviews, statements and/or findings.

5. The name, home and business address, background and qualifications of any and all persons in the employ of Defendant(s), who in *anticipation* and/or *preparation* of litigation, is expected to be called to trial.

6. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as *potential* witnesses.

7. Reports, communications, and/or documents prepared by any and all experts who *will* testify at trial.

8. Reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has con-

sulted or reviewed as a *result* or in *preparation* of this litigation or *will* consult or review.

9. Resumes and qualifications of any and all experts who *will* testify at trial.

10. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

11. Any and all documents and communications substantiating any defense to Plaintiff's cause of action.

12. Copies of any and all reports and records prepared by any physician, hospital or healthcare provider who has examined Plaintiff(s) *excluding* those actually provided by counsel for Plaintiff.

13. Central indexing information on Plaintiff(s), and any and all Defendant(s) or employees of the Defendant(s) for this alleged accident, alleged prior accident(s), and alleged subsequent accident(s).

14. Verification of the policy limits for liability benefits, medical payments and any "umbrella" or excess benefits, including a copy of the policy, including applicable policy declarations page.

15. Copies of internal memoranda, inter-office memos, facsimiles, e-mail or other documents or communications regarding this claim, made by the Defendant(s) and/or any agent and/or employee of Defendant(s), or their insurance carrier(s).

16. Any and all reports, communications and/or documents prepared by Defendant(s) or their employee(s)/agent(s) containing the facts, circumstances and causes of this alleged accident.

17. The name and address of the manager of Defendant's claim office located at the place where Plaintiff(s) medical bills and reports were submitted to.

18. Any and all documents of any nature whatsoever which refer in any way to the incident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said incident.

19. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

20. Any and all press releases concerning this alleged accident or any incident relating to this lawsuit.

21. Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.

22. Any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident, incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

23. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Plaintiff(s) contributed to the happenings of the alleged occurrence or to the alleged injuries or losses suffered allegedly as a result of this accident.

24. Any and all documents of any nature whatsoever referred to in Defendant's(s) Answers to Plaintiff's(s) Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured *subsequent* to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to Plaintiff's counsel within thirty (30) days of receipt of same.

Name of Attorney  
Attorney for Plaintiff(s)  
Identification No.:  
Address  
Telephone No.:  
Fax No.:  
e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

EXHIBIT "F"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
:  
: Compulsory Arbitration  
: Program  
vs. :  
: \_\_\_\_\_ Term, 20  
:  
DEFENDANT'S NAME : No. \_\_\_\_\_

DEFENDANT(S) REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO PLAINTIFF(S)

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Defendant's counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

DEFINITIONS

A. "You" or "your" refers to Plaintiff(s) herein and to all other persons acting or purporting to act on behalf of Plaintiff(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts,

contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

F. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

G. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

H. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

I. The period of time encompassed by these requests shall be from the date of the alleged accident to the date of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

J. For purposes of the Rule, a statement includes:

- (1) A written statement, signed or otherwise adopted or approved by the person making it, or
- (2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

#### REQUESTS

1. The entire claims and investigation file or files including but not limited to communications to and from all insurance carriers, parties, Plaintiff(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Plaintiff(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. Any and all documents and communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Plaintiff(s) in *anticipation* of litigation or *preparation* for trial and who are *not* expected to be called as witnesses at trial or as to whom no such decision has

yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.

4. Any and all documents and communications which support Plaintiff's claim(s) for wage loss and impairment of earning capacity and/or power.

5. The name, home and business address, background and qualifications of any and all persons in the employ of Plaintiff(s), who in *anticipation* and/or *preparation* of litigation, is expected to be called to trial.

6. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as *potential* witnesses.

7. Reports, communications, and/or documents prepared by any and all experts who *will* testify at trial.

8. Reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has consulted or reviewed as a *result* or in *preparation* of this litigation or *will* consult or review.

9. Resumes and qualifications of any and all experts who *will* testify at trial.

10. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Defendant(s), any other party to this action, the incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

11. Any and all documents and communications substantiating any claim to Plaintiff's cause of action.

12. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries allegedly sustained as a direct result of the instant matter.

13. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries, diseases, deformities or impairments sustained by Plaintiff(s) or suffered from by Plaintiff(s) prior to and/or subsequent to the accident herein.

14. Verification of the policy limits for first party benefits (i.e. PIP or medical payment coverage or wage loss coverage, etc.), including a copy of the policy, including applicable policy declarations page, sign-down forms and Tort Option selection forms.

15. Any and all documents of any nature whatsoever which refer in any way to the incident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said incident.

16. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

17. Any and all press releases concerning this alleged accident or any incident relating to this lawsuit.

18. Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.

19. Any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident, incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

20. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Defendant(s) contributed to the happenings of the alleged occurrence or to the alleged injuries or losses suffered allegedly as a result of this accident.

21. Any and all documents of any nature whatsoever referred to in Plaintiff(s)' Answers to Defendant(s)' Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured *subsequent* to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to Defendant's counsel within thirty (30) days of receipt of same.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff(s)  
Identification No.:  
Address  
Telephone No.:  
Fax No.:  
e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
Signature

EXHIBIT "G"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA  
CIVIL TRIAL DIVISION

: Compulsory Arbitration Program  
:  
:  
:  
: TERM, 20  
: NO.

Notice to Answer or Respond To Standard  
Written Discovery

To:

Pursuant to Trial Division Administrative Docket No. 2005-02, you must answer the Standard Interrogatories checked below and produce the documents requested in the Request for Production of Documents, if checked below, within thirty (30) days:

- ☐ Plaintiff's Interrogatories Addressed to Defendant—Motor Vehicle Liability;
- ☐ Defendant's Interrogatories Addressed to Plaintiff—Motor Vehicle Liability;
- ☐ Plaintiff's Interrogatories Addressed to Defendant—Premises Liability;
- ☐ Defendant's Interrogatories Addressed to Plaintiff—Premises Liability;
- ☐ Plaintiff's Request for Production of Documents
- ☐ Defendant's Request for Production of Documents

I acknowledge that I (if I am representing myself) or my client (if this Notice is signed by an attorney) will answer Standard Interrogatories and Requests for Production of Documents within thirty (30) days, as required by Trial Division Administrative Order 2005-02.

A COPY OF THE STANDARD INTERROGATORIES OR REQUESTS FOR PRODUCTION OF DOCUMENTS NEED NOT BE PROVIDED TO ATTORNEYS.

COPIES OF THE ABOVE DOCUMENTS MAY BE OBTAINED ON THE COURT'S WEBSITE, AT <http://courts.phila.gov>.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Party, or Attorney  
if Represented

☐ Plaintiff ☐ Defendant ☐ Other:

Supreme Court I.D. No. \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

[Pa.B. Doc. No. 05-831. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 255—LOCAL RULES

### CLEARFIELD COUNTY

#### Local Rules of Civil Procedure; 05-08-MD

#### Order

Now, this 13th day of April, 2005, Clearfield County Rules of Civil Procedure are hereby revised, reorganized, and/or renumbered as follows:

1. The following Clearfield County Rules of Civil Procedure are hereby rescinded: 206, 207, 210, 211, 233, and 251 (all of which were Adopted April 13, 1987, effective June 15, 1987, amended November 9, 1994, effective June 1, 1995), and 208.3(b) (adopted December 16, 2004, effective February 7, 2005).

2. The following Clearfield County Rules of Civil Procedure are hereby reorganized and renumbered as follows:

Note: The text of the rules are unchanged unless as provided herein.

[Rule 205.2(a)]	Filing Legal Papers with the
Rule 205.2(a)	Prothonotary
[Rule 205.4(a)]	Filing Legal Papers with the
Rule 205.2(a)(6)	Prothonotary
[Rule 205.4(b)]	Filing Legal Papers with the
Rule 205.2(a)(7)	Prothonotary
[Rule 206.1]	Petition. Content. Form.
Rule 206.1(a)	
[Rule 206.4]	Procedure on Rule to Show Cause
Rule 206.4(c)(1)	
[Rule 206.6]	Procedure on Rule to Show Cause
Rule 206.4(c)(2), (3)	
Rule 206.4(c)(4)	

The procedure for a petitioner's request for a stay of execution pending disposition of a petition to open a default judgment shall be as follows:

(A) Petitioner shall submit a petition to stay execution in addition to the petition to open a default judgment which shall set forth the reasons for seeking the stay, which shall include a description of the real and personal property being affected by the judgment.

(B) The Court shall enter such order as it considers appropriate as to the petition for stay at the time it enters the rule for an answer on the petition to open the default judgment, unless the exigency of the circumstances require the Court to act immediately to preserve the status quo.

(C) The Court shall require the petitioner to file a bond in such amount as it deems necessary to protect the rights of the judgment holder during the proceedings of the petition to open the default judgment.

(D) The Court may hold a hearing or status conference to determine the merits of the petition requesting a stay at the request of either the petitioner or the holder of the judgment which is the subject of the petition to open.

(E) In those cases where the petitioner requests a stay of execution pending disposition of a petition to open a default judgment, the stay shall be determined under the requirements of Pa.R.C.P. 3121.

Rule 206.4(c)(6) Procedure on Rule to Show Cause

Rule 206.4(c)(7) Procedure on Rule to Show Cause

Rule 206.6(g) Rule 206.4(c)(5) Procedure on Rule to Show Cause

The moving party shall serve the petition on the respondent or his attorney in accordance with Pa.R.C.P. 440, except where the petition is original process where service shall be made under Pa.R.C.P. 400—405. After service, the moving party shall file a certificate of service within five (5) days of the service of the petition and order showing how the petition was served, and if by mail, the address of the respondent or his attorney to which the petition was directed.

[Rule 206.7(c)(a)(1)]

Rule 206.4(c)(6) Procedure on Rule to Show Cause

[Rule 206.7(c)(1)] Rule 206.4(c)(7) Procedure on Rule to Show Cause

[Rule 208.2(a), (b)] Motions

Rule 208.3(a)(1)

[Rule 208.2(c)] Authority for Motions

Rule 208.2(c)

[Rule 208.2(d)] Certification as to Motions Generally

[Rule 208.2(e)] Certification as to Motions Regarding Discovery

[Rule 208.2(f),(g)] Rule 208.3(b)(1), (2), and (3) Procedure as to Deposition of Motion

[Rule 208.4(a)] Rule 208.3(b)(4) Procedure as to Disposition of Motion

[Rule 208.4(b)] Rule 208.3(b)(5) Procedure as to Disposition of Motion

[Rule 208.4(c)] Rule 208.3(b)(6) Procedure as to Disposition of Motion

[Rule 208.4(d)] Rule 208.3(b)(7) Procedure as to Disposition of Motion

[Rule 208.4(e)] Rule 208.3(b)(8) Procedure as to Disposition of Motion

The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the Court order entering the rule along with a copy of the underlying motion, upon each attorney of record and pro se parties in the manner prescribed by Pa.R.C.P. 440, except where the motion is original process where service shall be made under Pa.R.C.P. 400—405. An affidavit of service shall be filed within five (5) days from the date of the service of the motion and the order setting the rule with the prothonotary.

[Rule 210] Rule 210 Submissions and Form of Briefs

[Rule 211] Rule 211 Briefing Schedule

[Rule 1028] Rule 1028(c) Preliminary Objections

[Rule 1034] Rule 1034(a) Motion for Judgment on the Pleadings

[Rule 1035.2] Rule 1035.2(a) Motion for Summary Judgment

In accordance with Pa.R.C.P. No. 239, the Court Administrator of Clearfield County shall transmit certified copies of this order and the foregoing Local Rules as follows:

A. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

B. Two (2) certified copies and a diskette containing the rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. One (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

D. One (1) copy in the office of the Prothonotary of Clearfield County to be kept continuously available for public inspection and copying. In addition, one (1) copy shall be delivered to the Clearfield County Law Library.

In addition, the Court Administrator of Clearfield County shall cause

A. Rule 211 to be published on the Clearfield County website.

B. Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 210, 1028(c), 1034(a), and 1035.2(a) to be published on the website of the Administrative Office of Pennsylvania Courts (<http://ujportal.pacourts.us>) and on the Clearfield County website.

The following local rules shall be effective as follows:

A. Rule 211 shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

B. Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 210, 1028(c), 1034(a), and 1035.2(a) shall be effective upon publication on the website of the Administrative Office of Pennsylvania Courts (<http://ujportal.pacourts.us>).

*By the Court*

FREDRIC J. AMMERMAN,  
President Judge

#### **Local Rule 205.2(a)—Filing Legal Papers with the Prothonotary.**

(1) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be re-

fused for filing by the prothonotary based on a requirement of a local rule of civil procedure or judicial administration, including Local Rules 205.2(a) and 205.2(b). All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(2) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(3) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten with lines not closer than typewriting double spacing (except quotations); contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to the initial pleading need only state the name of the first party on each side with an appropriate indication of the other parties.

(4) The use of bluebacks or other backing is not required.

(5) All papers and other documents shall be securely affixed at the top left corner.

(6) A proposed order shall accompany all petitions, motions or other requests for relief.

(7) No original documents shall be filed by electronic filing except by special leave of the Court.

(8) In the event the Court permits filing in accordance with subsection (a)(6), the party filing legal papers shall comply with Pa.R.C.P. 205.4.

**Local Rule 205.2(b)—Cover Sheet for Initial Pleadings, Petitions and Motions.**

**COVER SHEET**

All papers constituting the initial pleadings shall have a cover sheet in substantially the following form:

**COURT OF COMMON PLEAS OF CLEARFIELD  
COUNTY PENNSYLVANIA**

**CIVIL ACTION—(LAW) (EQUITY)**

No. \_\_\_\_\_

Type of Case: \_\_\_\_\_

Type of Pleading: \_\_\_\_\_

Filed on Behalf of: \_\_\_\_\_

(Plaintiff/Defendant)

Counsel of Record for this Party: \_\_\_\_\_

(Name of Attorney)

Supreme Court No.: \_\_\_\_\_

\_\_\_\_\_  
(Firm name, if any)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone)

Dated: \_\_\_\_\_

**Local Rule 206.1(a)—Petition. Content. Form.**

(1) As used in this chapter, "petition" means:

(A) An application to open a default judgment or a judgment of non pros.

(B) A petition may also be used to bring before the Court any proper matter for which no other specific procedure is authorized or in which only a petition is prescribed as the authorized procedure for bringing such matter before the Court for disposition.

NOTE: A petition for relief from a judgment by confession is governed by Pa.R.C.P. Rule 2959. Motions are governed by Local Rule 208.1 et seq.

(2) A petition shall specify the relief sought and state the material facts which constitute the grounds therefor.

(3) A petition shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

(4) A petition shall be verified in accordance with Pa.R.C.P. 206.3.

(5) Except for emergency matters, no petition seeking ex parte action shall be considered by the Court unless the petition contains a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the petition. In the event a party is not represented, except in emergency matters, no petition seeking ex parte action shall be considered by the Court unless the petition contains a certification by counsel that prior notice of the contents of the petition and order and that counsel intends to present the petition and order to the Court for action has been given to the opposing party.

(6) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. Except where counsel has presented the petition to the Court to secure an order, the prothonotary shall deliver daily a petitions list with accompanying petitions to the Court Administrator to monitor and assign to a judge.

(7) All petitions shall have affixed to the front of the petition a proposed order in accordance with Local Rule 206.4(c)(2) or (3).

(8) All petitions and answers thereto, shall comply with these provisions.

(9) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the petition and/or deny any requested relief.

**Local Rule 206.4(c)—Procedure on Rule to Show Cause.**

(1) The procedure for issuing a rule to show cause shall be the procedure set forth in Pa.R.C.P. 206.6 and Local Rule 206.4(c).

(2) Upon filing of a petition, the prothonotary shall issue a rule to show cause where petitioner seeks only to direct respondent to file an answer. In such cases, the order shall only include sections c(1), (2), (3), and (6) as set forth in Pa.R.C.P. 206.6(c). The order for a rule to file an answer shall be as follows:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) notice of the entry of this order shall be provided to all parties by the petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

(3) The orders seeking relief from the Court other than the filing of an answer shall be as follows:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) \_\_\_\_\_

(any special relief requested);

(3) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

(4) the petition shall be decided under Pa.R.C.P. No. 206.7;

(5) depositions shall be completed within \_\_\_\_\_ days of this date;

(6) an evidentiary hearing on disputed issues of material fact shall be held on \_\_\_\_\_ in Courtroom \_\_\_\_\_ of the Clearfield County Courthouse;

(7) notice of the entry of this order shall be provided to all parties by the petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

(4) The procedure for a petitioner's request for a stay of execution pending disposition of a petition to open a default judgment shall be as follows:

(A) Petitioner shall submit a petition to stay execution in addition to the petition to open a default judgment which shall set forth the reasons for seeking the stay, which shall include a description of the real and personal property being affected by the judgment.

(B) The Court shall enter such order as it considers appropriate as to the petition for stay at the time it enters the rule for an answer on the petition to open the default judgment, unless the exigency of the circumstances require the Court to act immediately to preserve the status quo.



(C) The Court shall require the petitioner to file a bond in such amount as it deems necessary to protect the rights of the judgment holder during the proceedings of the petition to open the default judgment.

(D) The Court may hold a hearing or status conference to determine the merits of the petition requesting a stay at the request of either the petitioner or the holder of the judgment which is the subject of the petition to open.

(E) In those cases where the petitioner requests a stay of execution pending disposition of a petition to open a default judgment, the stay shall be determined under the requirements of Pa.R.C.P. 3121.

(5) The moving party shall serve the petition on the respondent or his attorney in accordance with Pa.R.C.P. 440, except where the petition is original process where service shall be made under Pa.R.C.P. 400—405. After service, the moving party shall file a certificate of service within five (5) days of the service of the petition and order showing how the petition was served, and if by mail, the address of the respondent or his attorney to which the petition was directed.

(6) In the event no answer is filed within twenty (20) days of service of the petition, then the petitioner may praecipe the prothonotary, which praecipe shall contain a certification that no answer has been filed, and shall also include a proposed order. Upon receipt of the praecipe, the prothonotary shall forward the praecipe to the Court Administrator who shall deliver the praecipe together with certification and attached proposed order to the Court for the entry of the proposed order.

(7) The petitioner, in lieu of discovery, may request the Court to hold an evidentiary hearing as to the disputed issues of fact. In such instance the petition shall be decided on petition and answer and the testimony presented to the Court.

#### **208.2(c)—Authority For Motions.**

All motions shall include a brief statement of the applicable statute, case, or procedural rule authorizing the grant of such relief.

#### **208.2(d)—Certification as to Motions Generally.**

All motions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the motion. Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the motion.

#### **208.2(e)—Certification As To Motions Regarding Discovery.**

All motions relating to discovery shall include a certification signed by counsel for the moving party certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action.

#### **Local Rule 208.3(a)—Motions.**

1. All motions shall:

(A) be in writing and be filed in the office of the prothonotary;

(B) contain a caption setting forth the name of the Court, the number of the action, the name of the motion, and the name of the moving party;

(C) be divided into paragraphs numbered consecutively;

(D) set forth with particularity material facts constituting grounds on which they are based, precisely state the relief being sought, and include a proposed order;

(E) include a certificate of service which sets forth the manner of service including the name of an attorney of record for each party that is represented by counsel, the party whom the attorney represents, a pro se designation for each party that is unrepresented, and the address at which service was made; and

(F) be signed and endorsed, indicating the signing attorney of record has read the motion and that, to the best of his or her knowledge, information and belief, there are good grounds to support such motion and it is not interposed merely for delay;

(G) a motion need not be verified unless verification is required by general rule governing the particular motion or by order of Court.

#### **Local Rule 208.3(b)—Procedure As To Disposition Of Motion.**

(1) All motions shall include a proposed order in the form set forth in 208.3(b)(5).

(2) For cause shown, any moving party may request expedited disposition of any motion filed with the prothonotary. If expedited disposition is requested, a praecipe shall be filed with the motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the Court Administrator shall promptly notify the moving party of the judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the judge and all other counsel interested in the subject of the motion within three (3) business days of the time the motion is presented.

(3) The praecipe required by subparagraph (A)(2) shall be substantially in the following form:

(CAPTION)

PRAECIPE

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached motion is requested for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
ATTORNEY FOR (Plaintiff or Defendant)

FOR COURT ADMINISTRATOR ACTION ONLY

\_\_\_\_\_  
MOTION OR PETITION ASSIGNED TO JUDGE

\_\_\_\_\_  
COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

(4) At the initial consideration of a motion, the Court may enter an order that:

(A) disposes of the motion, or

(B) sets forth the procedures the Court will use for deciding the motion which may include one or more of the following:

(i) the filing of initial or supplemental responses,

(ii) the filing of initial or supplemental briefs,

(iii) the filing of affidavits, depositions and the like,

(iv) the issuance of a rule to show cause pursuant to subdivision (b) of this rule,

(v) the holding of an evidentiary hearing, and

(vi) the entry of an order providing for any other procedure for developing the record.

(5) The order required by paragraph (1) shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing motion, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within \_\_\_\_\_ days of this date;

(3) the motion shall be decided under Pa.R.C.P. 206.7;

(4) depositions and all other discovery shall be completed within \_\_\_\_\_ day of this date;

(5) an evidentiary hearing on disputed issues of material fact shall be held on \_\_\_\_\_, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. \_\_\_\_\_;

(6) argument shall be held on \_\_\_\_\_, in Courtroom No. \_\_\_\_\_ of the Clearfield County Courthouse; and

(7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT,

(6) The Court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the Court shall establish a briefing schedule in its initial order.

(7) The Court, in its discretion, may permit forms of discovery other than depositions.

(8) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the Court order entering the rule along with a copy of the underlying motion, upon each attorney of record and pro se parties in the manner prescribed by Pa.R.C.P. 440, except where the motion is original process where service shall be made under Pa.R.C.P. 400—405. An affidavit of service shall be filed within five (5) days from the date of the service of the motion and the order setting the rule with the prothonotary.

**Local Rule 210—Submission and Form of Briefs.**

(1) All briefs shall be lodged with the Court Administrator and a copy thereof served upon every other party.

Note: Briefs are not to be filed in the prothonotary's office or delivered directly to the Court.

(2) Briefs shall be typewritten or printed and double-spaced (except for quotations) on paper approximately 8-1/2 inches by 11 inches in size, and shall contain:

(A) A history of the case.

(B) A statement of the question or questions involved.

(C) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, and order, portions of the relevant testimony involved with a reference to the transcript and page where it may be found.

(D) An argument with citations of the authority relied upon divided into as many sections as there are questions involved.

(E) A conclusion.

(F) Opinions of Court or Agency involved.

(3) Briefs shall be submitted to the Court in accordance with a schedule set by the Court upon request of either party. The moving party shall deliver a copy of the brief to the adverse party and file a copy with the Court Administrator in accordance with the schedule. The respondent shall deliver the brief to the moving party and file a copy with the Court Administrator in accordance with the schedule. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(4) All counsel appearing in any other proceeding scheduled for hearing before the Court shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Local Rules or by Order of the Court.

(5) *Informal Letter Briefs.* Notwithstanding this Rule, the Court may in any case allow the parties to file an informal letter brief.

**Local Rule 211—Briefing Schedule.**

Either party may file a praecipe with the prothonotary to direct the Court Administrator to establish a briefing schedule for petitions, motions, and special motions; arguments for preliminary objections and motions for judgment on pleadings; assign a case to a judge for further action; and to set dates for special hearings and pretrial matters generally. Upon receipt of the praecipe, the Prothonotary shall transmit the praecipe to the Court Administrator. The Court Administrator, after consultation with the president judge or where a judge has acted in a case after consultation with that judge, shall assign the matter to a judge and establish such schedule or date. The Court Administrator shall give written notice to all attorneys or pro se parties of the actions taken under this rule.

**Local Rule 1028(c)—Preliminary Objections.**

(1) Preliminary objections shall be filed with the prothonotary. At the time of filing such pleading with the prothonotary, the moving party shall also file a praecipe, pursuant to Local Rule 211, requesting the Court Administrator to schedule an argument date for consideration of the preliminary objections.

(2) In the event there are factual disputes arising from the preliminary objections and answers thereto, the procedure to be followed shall be as set forth in Local Rule 208.3(b).

(3) Disposition of a motion for preliminary objections shall be made after oral argument.

(4) In the event the Court determines that briefs shall be filed following argument on the preliminary objections, then it shall enter an order establishing a briefing schedule.

(5) The judge to whom the preliminary objections have been assigned for disposition may in the exercise of

judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

**Local Rule 1034(a)—Motion for Judgment on the Pleadings.**

(1) A motion for judgment on the pleadings shall be filed with the prothonotary. At the time of filing such motions with the prothonotary, the moving party shall also file a praecipe, pursuant to Local Rule 211, requesting the Court Administrator to assign the matter to a judge to schedule an argument date for consideration of the motion for judgment on the pleadings.

(2) Disposition of a motion for judgment on the pleadings shall be made after oral argument.

(3) In the event the Court determines that briefs shall be filed following argument on the motion for judgment on the pleadings, then it shall enter an order establishing a briefing schedule.

(4) The judge to whom the motion for judgment on the pleadings has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

**Local 1035.2(a)—Motion for Summary Judgment.**

(1) A motion for summary judgment shall be filed with the prothonotary. At the time of filing such motions with the prothonotary, the moving party shall serve a copy of the motion on the other party or parties to the case who shall file a response and such affidavits or exhibits in accordance with Pa.R.C.P. 1035.3.

(2) Upon the filing of the response or in the event no response is filed within thirty (30) days of the service of the motion, either party may file a praecipe pursuant to Local Rule 211 requesting the Court Administrator to assign the matter to a judge to establish a briefing schedule and argument for consideration of the motion.

(3) Upon filing a motion for summary judgment, the moving party shall file a brief, pursuant to Local Rule 210, in accordance with the schedule established by the Court Administrator and shall serve a copy thereof upon all opposing counsel and any pro se party at their respective addresses of record. When filed, the brief shall be accompanied by a certificate indicating that such has been served upon the moving party.

(4) All parties who wish to contest a motion for summary judgment shall file a reply brief and a certificate such has been served on the moving party in accordance with the schedule established by the Court Administrator.

(5) Disposition of a motion for summary judgment shall be made after oral argument. The parties may agree to submit the matter on briefs only with appropriate notice to the Court Administrator of such agreement.

(6) The judge to whom a motion for summary judgment has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

(7) Failure to comply with these provisions may be sufficient basis for the Court to deny the motion or deem such motion uncontested.

**Local Rule 1005—Appellate Procedure from District Justices.**

**Service of Notice of Appeal and Other Documents from Appeal from a District Justice Decision**

(1) The Prothonotary shall require that in regard to any appeal from a District Justice civil decision that the appellant provide with the Notice of Appeal a stamped envelope, pre-addressed to the appellee, at the appellee's address as listed on the Complaint form filed in the office of the District Justice or as otherwise appearing in the records from that office, or the attorney of record, if any, of the appellee, as well as a stamped envelope, pre-addressed, to the District Justice in whose office the judgment was rendered. Copies of the Notice of Appeal, and Rule to File a Complaint pursuant to Rule of District Justice Procedure 1004B, if applicable, shall thereupon be mailed by the Prothonotary by first class mail to the appellee and District Justice.

(2) The Prothonotary shall note such service and any return thereof on the Court's docket.

(3) The Prothonotary shall not be required to file a Notice of Appeal to a District Justice judgment or verdict without the appellant providing the above described stamped and addressed envelopes for service purposes.

(4) At the conclusion of any District Justice civil case, upon rendering of the decision, the District Justice shall provide a copy of this Rule to the party against whom the judgment or verdict is rendered, with the same either being made when applicable by personal service or through the mail along with the notice of entry of judgment or verdict.

(5) Upon the Court of Common Pleas disposing of the appeal from a District Justice decision, the Prothonotary shall in all cases utilize the Common Pleas notification request form, prepared by the Administrative Office of Pennsylvania Courts (being AOPC Form 729B-98 or any future revision of the same) in order to notify the District Justice of the result of the appeal. The Prothonotary shall also provide the District Justice a copy of the Court Order or document which is dispositive of the case.

[Pa.B. Doc. No. 05-832. Filed for public inspection April 29, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Collection Fee and Late Payment Penalty for 2005-2006 Assessment Year**

Notice is hereby given that in accordance with Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) and 219(h)(2), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2005-2006 Assessment Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$50.00 per returned item.

At the time the final notices are transmitted by certified mail to an attorney who fails to timely file an annual registration form and pay the fee, the late payment penalty will be \$100.00. After 30 days, the names of every

attorney who has failed to respond to the notice shall be certified to the Supreme Court, at which time the late payment penalty will be increased to \$200.00.

ELAINE M. BIXLER,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-833. Filed for public inspection April 29, 2005, 9:00 a.m.]

### List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

ELAINE M. BIXLER,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

### List of Approved PA Financial Institutions

#### Bank Code A.

374	Abington Savings Bank
2	Adams County National Bank
477	Advest, Inc.
572	Affinity Bank of Pennsylvania
302	Allegheny Valley Bank of Pittsburgh
548	Allegiance Bank of North America
579	Alliance Bank
375	Altoona First Savings Bank
376	Ambler Savings and Loan Association
532	American Bank of Lehigh Valley
502	American Eagle Savings Bank, PaSA
581	American Home Bank, N.A.
116	Ameriserv Financial
377	Apollo Trust Company

#### Bank Code B.

558	Bancorp Bank (The)
574	Bank of America, N.A.
155	Bank of Hanover & Trust Company
3	Bank of Lancaster County, N.A.
415	Bank of Landisburg (The)
519	Beaver Valley Federal Credit Union
501	BELCO Federal Credit Union
397	Beneficial Savings Bank
582	Berkshire Bank
391	Blue Ball National Bank
392	Brentwood Savings Bank
495	Brown Brothers Harriman & Co.
156	Bucks County Bank
161	Bryn Mawr Trust Company

#### Bank Code C.

576	CNB Community Bank
382	CSB Bank
540	C & G Savings Bank
480	Cambria County Federal Savings & Loan Assoc.

394	Charleroi Federal Savings Bank
578	Charter One Bank, N.A.
561	Citizens Bank of Pennsylvania
238	Citizens and Northern Bank
15	Citizens National Bank-Evans City
420	Citizens National Bank—Myersdale
177	Citizens National Bank of Southern PA
206	Citizens Savings Association
353	Citizens Trust Company
16	Clearfield Bank & Trust Co.
354	Coatesville Savings Bank
17	Columbia County Farmers National Bank
250	Commerce Bank, PA, NA
18	Commerce Bank/Harrisburg, NA
223	Commercial National Bank of Pennsylvania
310	Community Bank & Trust Company
21	Community Bank, National Association
204	Community Banks, National Association
533	Community First Bank, N.A.
430	Community National Bank of Northwestern PA
132	Community State Bank of Orbisonia
23	County National Bank
380	County Savings Association

#### Bank Code D.

339	Dime Bank (The)
239	DNB First, N.A.
27	Dollar Bank
423	Dwelling House Savings & Loan Association

#### Bank Code E.

357	Eagle National Bank
569	Earthstar Bank
424	East Penn Bank
358	East Prospect State Bank
340	East Stroudsburg Savings Association
500	Elderton State Bank
567	Embassy Bank
541	Enterprise Bank
28	Ephrata National Bank (The)
383	ESB Bank, F.S.B.
552	Eureka Bank

#### Bank Code F.

31	Farmers & Merchants Trust Company
205	Farmers National Bank of Emlenton
436	Farmers National Bank of Kittanning
34	Fidelity Deposit & Discount Bank
343	Fidelity Savings and Loan of Bucks County
311	Fidelity Bank
583	Fifth Third Bank
385	First American National Bank of PA
174	First Citizens National Bank
191	First Columbia Bank & Trust Co.
539	First Commonwealth Bank
585	First Commonwealth Federal Credit Union
551	First Cornerstone Bank
390	First Federal Bank
369	First Federal Savings & Loan Assoc. of Bucks County
504	First Federal Savings & Loan Assoc. of Greene County

388	First Federal Savings Bank	557	Investment Savings Bank
370	First Financial Bank	200	Iron and Glass Bank
318	First Heritage Bank	526	Iron Workers Savings Bank
525	First Heritage Federal Credit Union	366	Irwin Bank & Trust Company
228	First Keystone Bank		
371	First Liberty Bank & Trust	<b>Bank Code J.</b>	
263	First Merit, N.A.		
51	First National Bank & Trust Co. of Newtown (The)	70	Jersey Shore State Bank
416	First National Bank in Fleetwood (The)	127	Jim Thorpe National Bank
42	First National Bank of Berwick (The)	488	Jonestown Bank and Trust Company
138	First National Bank of Canton	72	Juniata Valley Bank (The)
421	First National Bank of Fredericksburg	<b>Bank Code K.</b>	
322	First National Bank of Greencastle		
418	First National Bank of Liverpool (The)	403	Keystone Nazareth Bank and Trust Company
43	First National Bank of Marysville	414	Kishacoquillas Valley National Bank (The)
44	First National Bank of McConnellsburg (The)	<b>Bank Code L.</b>	
46	First National Bank of Mercersburg (The)		
419	First National Bank of Mifflintown (The)	74	Lafayette Ambassador Bank
198	First National Bank of Minersville (The)	554	Landmark Community Bank
47	First National Bank of Newport (The)	76	Laurel Savings Bank
426	First National Bank of Palmerton (The)	187	Lebanon Valley Farmers Bank
48	First National Bank of Pennsylvania	182	Leesport Bank
427	First National Bank of Port Alleghany (The)	547	Legacy Bank
52	First National Bank of Chester County	78	Luzerne National Bank
175	First National Community Bank	<b>Bank Code M.</b>	
549	First National Community Bank—Midland		
170	First Penn Bank	361	M & T Bank
40	First Savings Bank of Perkasio	269	Madison Bank
349	First Star Savings Bank	386	Malvern Federal Savings Bank
158	First Summit Bank	510	Marion Center National Bank
54	First Susquehanna Bank & Trust	387	Marquette Savings Bank
408	First United National Bank	81	Mars National Bank (The)
151	Firsttrust Savings Bank	367	Mauch Chunk Trust Company
493	FNB Bank, N.A.	5	Mellon Bank, N.A.
291	Fox Chase Bank	555	Mercer County State Bank
241	Franklin Mint Federal Credit Union	192	Merchants National Bank of Bangor (The)
58	Fulton Bank	478	Merchants National Bank of Kittanning
59	Fulton County National Bank & Trust Company	294	Mid Penn Bank
<b>Bank Code G.</b>		511	Mifflin County Savings Bank
499	Gratz National Bank (The)	276	Mifflinburg Bank & Trust Company
498	Greenville Savings Bank	457	Milton Savings Bank
<b>Bank Code H.</b>		345	Minersville Safe Deposit Bank and Trust Company
402	Halifax National Bank	346	Morton Savings Bank
244	Hamlin Bank and Trust Company	484	Muncy Bank & Trust Company (The)
64	Harleysville National Bank and Trust Company	<b>Bank Code N.</b>	
362	Harleysville Savings Bank	440	National Bank of Commerce
363	Hatboro Federal Savings	435	National Bank of North East
463	Haverford Trust Company	337	National City Bank of Pennsylvania
410	Herndon National Bank (The)	88	National Penn Bank
411	Hoblitzell National Bank	347	Neffs National Bank (The)
559	Home Savings & Loan Company	372	Nesquehoning Savings Bank
68	Honesdale National Bank (The)	536	New Century Bank
350	HSBC Bank of USA	434	New Tripoli National Bank (The)
143	Hudson United Bank	545	Nittany Bank
364	Huntingdon Valley Bank	492	North Penn Savings & Loan Association
<b>Bank Code I.</b>		373	Northside Bank
365	Indiana First Savings Bank	439	Northumberland National Bank
575	Integrity Bank	93	Northwest Savings Bank
		546	Nova Savings Bank

<b>Bank Code</b>	<b>O.</b>	465	St. Edmond's Savings and Loan Association
348	Old Forge Bank	518	Standard Bank PASB
323	Omega Bank, NA	542	Stonebridge Bank
489	OMEGA Federal Credit Union	517	Sun National Bank
94	Orrstown Bank	30	Susquehanna Bank PA
<b>Bank Code</b>	<b>P.</b>	282	Susquehanna Patriot Bank
267	Parkvale Bank	236	Swineford National Bank
584	Parkview Community Federal Credit Union	<b>Bank Code</b>	<b>T.</b>
580	Penn Liberty Bank	26	Third Federal Savings Bank
97	Penn Security Bank & Trust Company	467	Turbotville National Bank (The)
168	Pennstar Bank	<b>Bank Code</b>	<b>U.</b>
544	Pennsylvania Business Bank	113	Union Bank and Trust Company
445	Pennsylvania State Bank	481	Union Building and Loan Savings Bank
99	PeoplesBank, A Codorus Valley Company	483	Union National Bank of Mount Carmel (The)
154	Peoples Home Savings Bank	133	Union National Community Bank
447	Peoples National Bank of Susquehanna County	472	United Bank of Philadelphia
491	Peoples State Bank (The)	475	United Savings Bank
556	Philadelphia Federal Credit Union	570	Unitedtrust Bank
448	Phoenixville Federal Bank & Trust	232	Univest National Bank & Trust Company
79	PNC Bank, N.A.	<b>Bank Code</b>	<b>V.</b>
534	Pocono Community Bank	136	Vartan National Bank
528	Polonia Bank	<b>Bank Code</b>	<b>W.</b>
449	Port Richmond Savings	123	WNB Bank
454	Portage National Bank	338	Wachovia
450	Premier Bank	119	Washington Federal Savings Bank
451	Progressive Home Federal	121	Wayne Bank
456	Prudential Savings Bank	553	Wesbanco Bank
<b>Bank Code</b>	<b>Q.</b>	122	West Milton State Bank
107	Quakertown National Bank (The)	494	West View Savings Bank
560	Quaint Oak Savings Bank	473	Westmoreland Federal Savings
<b>Bank Code</b>	<b>R.</b>	476	William Penn Savings and Loan Association
452	Reliance Savings Bank	474	Willow Grove Bank
220	Republic First Bank	160	Wilmington Trust of PA
208	Royal Bank of America	272	Woodlands Bank
<b>Bank Code</b>	<b>S.</b>	573	Woori America Bank
153	S&T Bank	<b>Bank Code</b>	<b>X.</b>
464	Scottsdale Bank & Trust Company (The)	<b>Bank Code</b>	<b>Y.</b>
460	Second Federal Savings & Loan Assoc. of Philadelphia	571	Yardville National Bank
516	Sentry Federal Credit Union	577	York Traditions Bank
458	Sharon Savings Bank	<b>Bank Code</b>	<b>Z.</b>
312	Sky Bank		
462	Slovenian Savings & Loan Assoc. of Franklin—Conemaugh		
459	Smithfield State Bank		
486	Somerset Trust Company		
316	Sovereign Bank, FSB		

[Pa.B. Doc. No. 05-834. Filed for public inspection April 29, 2005, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### COAL AND CLAY MINE SUBSIDENCE INSURANCE BOARD

[25 PA. CODE CH. 401]

#### Mine Subsidence Fund

The Coal and Clay Mine Subsidence Insurance Board (Board) amends Chapter 401 (relating to mine subsidence fund), regarding the administration of the Mine Subsidence Insurance Fund (Fund), to read as set forth in Annex A. The final-form rulemaking will improve the understanding of Mine Subsidence Insurance (MSI) policyholders and applicants relevant to terms and provisions of insurance coverage.

This order was adopted by order of the Board at its meeting of December 15, 2004.

#### A. *Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Lawrence Ruane, Administrator, Mine Subsidence Program, P. O. Box 8462, Rachel Carson State Office Building, Harrisburg, PA 17105-8462, (717) 783-9590; or Marc Roda, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

#### C. *Statutory Authority*

The final-form rulemaking is being made under the authority of section 19 of the act of August 23, 1961 (P. L. 1068 No. 484) (52 P. S. § 3219) (Act 484), which provides that the Board shall have the power to make rules and regulations and other conditions of the policies.

#### D. *Background and Summary of the Amendment*

The Fund was created in 1961 to provide a reliable source of compensation for losses caused by coal and clay mine subsidence, a risk excluded from standard homeowners insurance policies. The Fund is vital to the economic well being of this Commonwealth's coal mining regions because it underwrites potential losses to real property and thereby facilitates the collateralization of real property that is needed for economic growth in the housing industry.

Section 1 of Act 484 (52 P. S. § 3219) created the Board. Its members consist of the Secretary of the Department as Chairperson, the State Treasurer and the Insurance Commissioner. A listing of Board members is available upon request from Lawrence Ruane, whose name, address and phone number appear in Section B of this preamble. Section 19 of Act 484 provides that "the Board may make such rules and regulations and such other conditions of the policies as it deems just and expedient in keeping with the fulfillment of the purposes herein set out . . ."

Chapter 401 codifies terms and definitions used by the Fund, establishes procedures that are followed in the administration of the Fund and the Mine Subsidence Program and establishes static provisions of coverage, such as eligibility criteria, that are not expected to be routinely changed. In prior amendments to Chapter 401, more dynamic provisions of the insurance policy, that is, coverage limits, premium surcharges and policy durations, which are coverage provisions that are continually reviewed and revised by the Board, were inappropriately added to Chapter 401. This final-form rulemaking will remove the dynamic provisions of coverage from Chapter 401 and thereby facilitate the Board's efforts to provide policyholders with relevant coverage while safeguarding the solvency of the Fund. It will also eliminate confusion and the potential for conflicts between provisions in Chapter 401 and provisions in the insurance policy. This final-form rulemaking also serves to define that agents of the Board are employees of the Department who work on behalf of the Board. Finally, it codifies the established practice of the Board to make coverage effective upon the date of the Board's receipt of a completed application if the corresponding premium in full is also received within 80 days of the receipt of the application and all the statutory and regulatory eligibility requirements are met.

The Department presented the proposed rulemaking to the Board at a meeting held on December 18, 2003, wherein the Board adopted it. The proposed rulemaking was subsequently published at 34 Pa.B. 1329 (March 6, 2004) with a 30-day comment period that ended on April 5, 2004. Due to the minor and uncontroversial nature of the proposed rulemaking, no public meetings or hearings were held. The proposed rulemaking was provided to the Independent Regulatory Review Commission (IRRC) on March 31, 2004. IRRC provided its comments to the Board on May 5, 2004.

#### E. *Summary of Changes to the Proposed Rulemaking*

The Board revised proposed § 401.1 (relating to definitions) by adding a definition of the term "agent" to establish that throughout Chapter 401 the term refers to employees of the Department who work on behalf of the Board. The Board also revised proposed § 401.13 (relating to coverage limits and premiums for insurance) to clarify that coverage is effective retroactive to the date of the submission of a completed application if the corresponding premium-in-full is received within 80 days of the receipt of a completed application.

#### F. *Summary of Comments and Responses on the Proposed Rulemaking*

Two comments were received on the proposed rulemaking. One comment was from the Insurance Agents and Brokers of Pennsylvania, a trade association representing independent insurance producers licensed in this Commonwealth, who expressed support for the rulemaking. The other comment was from IRRC, who recommended a definition be provided for the term "agent," which is incorporated into the final-form rulemaking.

#### G. *Benefits, Costs and Compliance*

##### *Benefits*

This final-form rulemaking benefits the Fund and its policyholders by eliminating conflicts between insurance coverage provisions in § 401.13 and those contained in the insurance policy, which is the contract between the Fund and its policyholders. Those conflicts are eliminated

by removing from § 401.13 provisions of insurance coverage that periodically change, such as coverage limits, because they are more appropriately provided in the insurance policy, where they may be adopted by the Board in open public meetings. As a result, the Board will be more agile when making adjustments to the provisions of coverage, which is what Act 484 intends. The Fund and its policyholders will also benefit from clarity that this final-form rulemaking provides through improvements made to definitions in § 401.1 and through clarifications in § 401.13, concerning effective date of coverage.

#### *Compliance Costs*

There are no costs associated with the final-form rulemaking. However, removing the coverage provisions from § 401.13 so that they are only provided in the insurance policy will not only eliminate conflicts but it will also eliminate the need to promulgate regulations when changes in the insurance policy are implemented. These efficiencies will result in significant cost savings, which ultimately may be conveyed to policyholders in the form of lower premium rates.

#### *Compliance Assistance Plan*

The final-form rulemaking does not require a compliance assistance plan because it does not propose new or modify existing compliance provisions. In addition to information included as part of subsequent MSI policies, these amendments will be highlighted on the MSI website ([www.pamsi.org](http://www.pamsi.org)) and, with the assistance of the mortgage insurance industry, other mass media avenues such as newspaper and radio announcements will be utilized.

#### *Paperwork Requirements*

No additional paperwork will result from this final-form rulemaking.

#### *Pollution Prevention*

This final-form rulemaking does not result in pollution or pollution prevention.

#### *H. Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 31, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 1329, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 9, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 10, 2005, and approved the final-form rulemaking.

#### *J. Findings*

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated there under, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments received were considered.

(3) The modifications to the amendments do not enlarge the purpose of the proposed rulemaking published at 34 Pa.B. 1329.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble and in the public interest.

#### *K. Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department of Environmental Protection, 25 Pa. Code Chapter 401, are amended by amending §§ 401.1 and 401.13 to read as set forth in Annex A.

(b) The Chairperson shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House of Environmental Resources and Energy committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

KATHLEEN A. MCGINTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 1942 (March 26, 2005).)*

**Fiscal Note:** Fiscal Note 7-389 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 25. ENVIRONMENTAL PROTECTION**

### **PART III. COAL AND CLAY MINE SUBSIDENCE INSURANCE BOARD**

### **CHAPTER 401. MINE SUBSIDENCE FUND**

### **GENERAL PROVISIONS**

#### **§ 401.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The act of August 23, 1961 (P. L. 1068, No. 484) (52 P.S. §§ 3201—3226).

*Agent*—Employees of the Department who work on behalf of the Board.

*Board*—The Coal and Clay Mine Subsidence Insurance Board.

*Fund*—The Coal and Clay Mine Subsidence Insurance Fund established by the act.



*Insurance policy*—An insurance certificate, an insuring agreement, an application for mine subsidence insurance and endorsements to the insurance policy.

*Mine subsidence*—The movement of the ground's surface as a result of the partial or complete cave-in or the collapse of underground coal or clay mine workings.

*Mine workings*—The roof, floor or pillars within an underground coal or clay mine.

*Owner of structure*—A person, corporation, organization or association holding title to a structure within the anthracite or bituminous coal or clay mine region as defined by the Board.

*Structure*—A complete building that contains a roof, walls and a foundation which firmly attaches the structure to the earth.

### INSURANCE POLICIES

#### § 401.13. Coverage limits and premiums for insurance.

(a) The maximum amount of insurance for a single covered structure, the term or duration of the policy, and the premium rate shall be determined by the Board.

(b) An insurance policy is effective upon the date a complete application is received by the Board or its agent provided the premium associated with that application is received by the Board or its agent within the next 80 days and provided that the applicant and structure meet the eligibility requirements in the act and in § 401.11 (relating to eligibility for insurance).

(c) The premium charged on a policy shall, by resolution of the Board, be subject to additional surcharges of up to 25%, in accordance with the degree of risk, for each of the following conditions:

(1) The location of the covered structure in an area subject to subsidence from active mining.

(2) The location of the covered structure in an area scheduled for underground flushing operations.

(3) The location of the covered structure in an area having a high risk of subsidence damage.

(4) The covered structure having a history of subsidence damage.

(d) An insurance policy will not be effective until the premium has been received and the maximum term for all insurance policies will be 1 year, unless otherwise specified by a Board resolution and disclosed to the policyholders.

[Pa.B. Doc. No. 05-835. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE REAL ESTATE COMMISSION

#### [49 PA. CODE CH. 35]

#### Corrective Amendment to 49 Pa. Code § 35.201

The State Real Estate Commission has discovered a discrepancy between the agency text of 49 Pa. Code

§ 35.201 (relating to definitions) as deposited with the Legislative Reference Bureau and the official version of 49 Pa. Code § 35.201 as published at 34 Pa.B. 6530, 6534 (December 11, 2004), codified in the February 2005 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 363), and as currently appearing in the *Pennsylvania Code*. When the amendments at 34 Pa.B. 6530, 6534 were codified, the term "real estate school" should have been deleted.

Therefore, under 45 Pa.C.S. § 901: The State Real Estate Commission has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 35.201. The corrective amendment to 49 Pa. Code § 35.201 is effective as of December 11, 2004, the date the defective official text was published in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 35.201 appears in Annex A, with ellipses referring to the existing text of the regulation.

### Annex A

#### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 35. STATE REAL ESTATE COMMISSION

#### Subchapter B. GENERAL PROVISIONS

#### § 35.201. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Real estate*—An interest or estate in land—whether corporeal or incorporeal, whether freehold or nonfreehold, whether the land is situated in this Commonwealth or elsewhere—including leasehold interests and time share and similarly designated interests.

*Real estate education provider*—A person or institution who offers real estate education regardless of whether the learning is instructor-led or independent, excluding colleges, universities or institutes of higher learning accredited by the Middle States Association of Colleges and Secondary Schools or equivalent accreditation.

*Rental listing referral agent*—An individual or entity that owns or manages a business which collects rental information for the purpose of referring prospective tenants to rental units or locations of rental units. The term does not include an official or employee of a public housing authority that is created under State or Federal law.

\* \* \* \* \*

[Pa.B. Doc. No. 05-836. Filed for public inspection April 29, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF GENERAL SERVICES DEPARTMENT OF AGRICULTURE

[70 PA. CODE CHS. 2, 10 AND 110]

### General Provisions; Device Type Approval and State Metrology Laboratory

The Department of General Services (DGS) and the Department of Agriculture (Department) propose to establish fees for testing services performed by the State Metrology Laboratory. The proposed rulemaking amends the Department's current regulations in §§ 2.1 and 10.10 (relating to definitions; and fees) and adds Part V (relating to State Metrology Laboratory), administered by Department of General Services, to read as set forth in Annex A.

#### *Statutory Authority*

This proposed rulemaking is made under the authority of 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Section 4178 of the act (relating to fees) requires that DGS establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. Section 4190 of the act (relating to rules and regulations) provides the Department with the authority to regulate as necessary to implement the act.

#### *Purpose of the Proposed Rulemaking*

The proposed rulemaking will fulfill the statutory requirement that DGS establish, charge and collect the fees described in section 4178 of the act. Currently, the State Metrology Laboratory (Laboratory) provides these services without charge. The proposed rulemaking is necessary to comply with the act. The proposed rulemaking will ensure that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required.

#### *Background*

Reorganization Plan No. 1 of 1986 (71 P.S. § 751-38) transferred the Department's statutory functions, powers and duties regarding weights and measures laboratory testing to DGS. The Department retained general weights and measures enforcement responsibility. This division of responsibilities between DGS and the Department was repeated in the act, which took effect in 1997.

DGS manages and operates the Laboratory as part of the Division of Quality Assurance in the Bureau of Purchases under the Deputy Secretary for Procurement.

In 1999, the Department promulgated extensive regulations under authority of the act. In particular, § 10.10 states that the Laboratory may charge a fee for device type approval. Under the act, the Laboratory is required to charge and collect fees for metrology calibration and other testing in addition to device type evaluation. A fee schedule was not included in the regulations adopted in 1999.

The proposed rulemaking would establish a schedule of fees and add relevant definitions. As structured, it would

also allow DGS to revise the fee schedule in the future without involving the Department in the promulgation process.

#### *Overview of the Proposed Rulemaking*

The proposed rulemaking amends § 10.10 to clarify that DGS will charge fees for metrology testing as required by the act and adds definitions to § 2.1. The proposed rulemaking also adds Chapter 110, in which the DGS adopts procedures and sets fees for Laboratory testing services.

#### *Affected Individuals and Organizations*

Each year, the Laboratory provides metrology calibration, type evaluations and testing for several hundred persons, who sell, install, service or repair commercially used weighing and measuring devices and who must have the accuracy of their field standards verified under § 6.3 (relating to field standards). Last year, the Laboratory provided approximately 740 services, including services to approximately 400 private persons. Under the proposed rulemaking, the Laboratory will charge these persons fees for testing now provided for free.

Cities and counties required to procure standards of weights and measures and any additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment), regarding city and county standards and equipment, are exempt from the fee requirements with respect to the calibration, evaluation or other testing of those standards and equipment. See section 4178 of the act.

The general public will benefit because the fees generated will pay for services now paid for from taxpayer dollars.

#### *Fiscal Impact*

*Commonwealth:* The estimated annual revenue to the Commonwealth (DGS) from the proposed rulemaking is approximately \$105,000. The proposed rulemaking should not result in additional costs to the Commonwealth.

*Public Sector:* No other government entity will incur any costs or realize any savings.

*General Public:* The proposed rulemaking will impose no costs and have no fiscal impact upon the general public.

*Affected Businesses:* The affected businesses, which use Laboratory services, will have to pay the fees set in the proposed rulemaking. The anticipated average fee per user is estimated to be \$262.50.

#### *Paperwork Requirements*

The proposed rulemaking will result in an increase in paperwork for the Laboratory, which will be required to issue invoices, collect payments and transmit payments to the State Treasury. Under section 4193(c) of the act (relating to disposition of funds), the Treasury Department will have an increase in paperwork to reflect the receipt of the fees from the DGS and to credit the fees collected to the general government appropriations of the DGS for the operation and maintenance of the Laboratory.

#### *Effective Date*

The proposed rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking to Mary Benefield Seiverling, Senior Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 787-5599 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 20, 2005, DGS and the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). On that same date, the Department submitted a copy of this proposed rulemaking to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee and DGS submitted a copy of this proposed rulemaking to the Chairpersons of the House Committee on State Government and the Senate Committee on State Government. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the DGS and the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

DONALD T. CUNNINGHAM, Jr.,  
Secretary  
Department of General Services  
DENNIS C WOLFF,  
Secretary  
Department of Agriculture

**Fiscal Note:** 8-9. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 70. WEIGHTS, MEASURES AND STANDARDS****PART I. WEIGHMASTERS****CHAPTER 2. GENERAL PROVISIONS****§ 2.1 Definitions.**

The following word and terms, when used in this title, have the following meanings, unless the context clearly indicates otherwise:

**ASTM—The American Society of Testing and Measurement.**

\* \* \* \* \*

**OIML—The International Organization of Legal Metrology.**

\* \* \* \* \*

**State Metrology Laboratory—The Pennsylvania Standards Laboratory within the Department of General Services, having custody of the State standards of weight and measure and of other standards and equipment provided for by the act.**

\* \* \* \* \*

**CHAPTER 10. DEVICE TYPE APPROVAL****§ 10.10. Fees.**

**[(a) Fees.]** The State Metrology Laboratory **[may]** will charge **[an applicant]** a fee for conducting tests that may be required for device type approval under this chapter, **and for metrology laboratory calibration, type evaluation and any other testing services it performs under authority of the act. These fees are set forth in § 110.2 (relating to State Metrology Laboratory fee schedule).**

**[(b) Exemption.]** A city or county which is required to procure standards of weights and measures and additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment) to enforce the act is exempt from having to pay fees with respect to the calibration, evaluation or other testing of those standards and that equipment. ]

**PART V. STATE METROLOGY LABORATORY****Chap.****110. GENERAL PROVISIONS****CHAPTER 110. GENERAL PROVISIONS****Sec.**

110.1. Metrology services.  
110.2. State Metrology Laboratory fee schedule.

**§ 110.1. Metrology services.**

(a) The State Metrology Laboratory provides testing services including calibration to ASTM, NIST and OIML standards.

(b) Requests for testing services must be made by appointment. No standards or equipment will be accepted for testing without appointment.

(c) Units submitted for testing or calibration must be cleaned before submission.

**§ 110.2. State Metrology Laboratory fee schedule.**

(a) *General.* The State Metrology Laboratory will charge a fee for any testing services it provides under authority of the act. These services include actual metrology laboratory calibration, type evaluation and any other services identified in subsection (c).

(b) *Exemption.* A city or county which is required to procure standards of weights and measures and additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment) to enforce the act is exempt from having to pay fees with respect to the calibration, evaluation or other testing of those standards and that equipment.

(c) *Schedule of fees.* The State Metrology Laboratory will charge the following fees for the indicated testing services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30 per weight

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	\$12 per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	\$2 per weight (without adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	\$5 per weight (without adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.	\$15 per weight (without adjustment) \$25 per weight (with adjustment)
Ordinary mass	Weight Carts	\$50 per cart
Volume transfer	5 gallon/20 liter test measures	\$15 per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	\$50 per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150 plus \$50 per each additional 100 gallons or fractions thereof
Gravimetric calibrations	Metal Test Measures to 5 gallon or 20 liters or 1 cubic foot	\$35 per item
Length calibrations	Metal Tapes or Rules	\$15 per point tested
Timing devices	Stopwatches	\$30
Wheel load weighers		\$6 per scale
Special tests		\$75 per man-hour

(d) *Payment of fees.* A deposit for the estimated fee shall be submitted when the testing request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item tested is certified or approved.

[Pa.B. Doc. No. 05-837. Filed for public inspection April 29, 2005, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

### Fishing; Miscellaneous Special Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to permits for the use of cast nets or throw nets for the taking of gizzard shad and alewife on Lake Arthur in Butler County.

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect immediately upon publication of an order in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available on the Commission's website: [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

Several years ago, the Commission promulgated a regulation pertaining to the issuance of permits for the use of cast nets for taking live gizzard shad and alewife at Raystown Lake in Huntingdon County. Live gizzard shad and alewife have proved to be a popular bait for striped bass but are difficult to capture by means of conventional seines and nets less than or equal to 4 feet in diameter. Subsequently, the Commission amended its regulation at Raystown Lake to increase the maximum size from 12 to 20 feet in diameter.

A recent application was filed for use of larger cast nets at Lake Arthur to capture alewife for striped bass angling. This application was denied as the cast net permit applies only to Raystown Lake. The use of a net such as this at Lake Arthur warrants consideration given the presence of surface schooling alewife for much of the year and the desire to enhance striped bass angling there. The Commission has determined that using larger cast nets on Lake Arthur is feasible and can be done without adverse impacts. This regulation will enhance striped bass fishing in the region. The Commission therefore proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will increase paperwork in that individuals who wish to use cast nets or throw nets to take gizzard shad and alewife on Lake Arthur will be required to complete an application and, if approved, the Commission will issue a permit. The Commission estimates that it will issue less than 100 permits each year for the use of cast nets or throw nets on Lake Arthur. No new paperwork requirements will be created because the Commission already issues net permits under section 2902 of the code (relating to net permits).

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public. Under section 2902 of the code, the Commission has the authority to issue net permits for a fee of \$10.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

**Fiscal Note:** 48A-169. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart B. FISHING****CHAPTER 65. SPECIAL FISHING REGULATIONS****§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
	*	* * *
Butler	Lake Arthur	The Executive Director or a designee may issue permits for use of cast nets or throw nets for taking only gizzard shad and alewife. In addition to other permit conditions that the Executive Director may require, the permits shall be limited to cast nets or throw nets of no greater than 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inches.

County	Name of Water	Special Regulations
	*	* * *

[Pa.B. Doc. No. 05-838. Filed for public inspection April 29, 2005, 9:00 a.m.]

**[58 PA. CODE CH. 65]****Fishing; Special Trout Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking would simplify the existing special trout fishing regulations by combining certain existing programs and making certain conditions consistent across all special trout regulation programs. The proposed rulemaking has a focus on preserving opportunities for the harvest of trophy trout; however, the Commission would also like to receive public comment on an alternative simplification scheme that has a focus on catch and release.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2006.

B. *Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7827. This proposed rulemaking is available on the Commission's website: [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The proposed amendments to §§ 65.2, 65.3, 65.4a, 65.5, 65.6, 65.7 and 65.24 and the addition of §§ 65.14 and 65.15 (relating to catch and release fly-fishing only areas; and catch and release all-tackle areas) are published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

D. *Purpose and Background*

The proposed rulemaking is designed to simplify, improve and make consistent the Commission's special trout regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

E. *Summary of Proposals*

The Commission is committed to simplifying regulations used in trout management. Although a 1997 study of ex-license buyers indicated that the complexity of regulations was not a primary reason for not purchasing a fishing license, attendees at the Trout Summit 2002 and members of the Trout Management Discussion Group have encouraged the Commission to simplify these regulations. Results of studies on waters managed with these special regulations have shown that benefits are difficult to discern among and between the different programs. The Commission believes that consolidation and simplification is possible and that the Commission will be able to continue to conserve fish while reducing impediments to fishing.

Consolidation has other benefits as well. It will reduce the number of different signs/posters that are necessary to adequately inform anglers of the special regulations. It will also increase angler understanding and compliance with the regulations with fewer programs to remember.

Currently, there are a number of special regulations programs used in trout stream management. They include Delayed Harvest Fly-Fishing-Only (FFO), Heritage Trout Angling, Trophy Trout, All-Tackle (AT) Trophy Trout, Catch-and-Release, Delayed Harvest Artificial Lures Only (ALO), Wild Brook Trout Enhancement and at least three different miscellaneous special regulations. The Commission does not envision any changes to the recently created Wild Brook Trout Enhancement Program. The Commission envisions only minor changes to the Delayed Harvest ALO Program to encourage consistency of certain conditions among all special trout regulation programs. Earlier this year, the Commission eliminated the Selective Harvest and AT Selective Harvest Programs. The Commission now proposes to continue its efforts to simplify and consolidate special trout regulations in this notice of proposed rulemaking.

As part of the simplification process and to promote consistency within the special trout regulations programs, the Commission proposes eliminating the barbless hook

requirements, establishing uniform 24 hours of legal angling and eliminating restrictions on wading. Given problems in "pinching" barbs on tiny flies, difficulty in determining whether or not "pinched" barbs are legal or not, lack of substantial scientific literature supporting barbless hooks as a means to reduce mortality of released fish, and limited availability of manufactured barbless hooks, the Commission proposes discontinuing the barbless hook requirement. The Commission proposes that fishing should be permitted on a 24-hour basis rather than the "1 hour before sunrise to 1 hour after sunset" requirement currently on some, but not all, special trout regulations waters. The Commission further proposes that wading should be permitted in all waters.

The proposed rulemaking will result in fewer programs and simplified regulations within programs. In undertaking the simplification of these special trout regulations, the Commission was presented with two options: one focusing on catch and release and the other focusing on trophy trout. The primary difference between the two alternatives is that the option focusing on trophy trout contains a provision for taking one large trout and the option focusing on catch and release does not.

The programs under the two options are shown on the following chart:

<b>2005 Program</b>	<b>Commission Proposal Trophy Trout Focus</b>	<b>Alternative C &amp; R Focus</b>
Wild Brook Trout	Wild Brook Trout	Wild Brook Trout
Delayed Harvest ALO	Delayed Harvest ALO	Delayed Harvest ALO
Heritage Trout Angling Delayed Harvest FFO	Catch-and-Release FFO	Catch-and-Release FFO
Catch-and-Release Trophy Trout (14-inch)	Trophy Trout ALO (24-inch)	Catch-and-Release ALO
AT Trophy Trout (14-inch) Allegheny River (14-inch)	Trophy Trout AT (24-inch)	Catch-and-Release AT
Spring Creek Valley Creek	Catch-and-Release AT	Catch-and-Release AT

The proposal for which the Commission primarily seeks public comment contains the trophy trout focus. However, the Commission also seeks public comment on an alternative proposal that focuses on catch and release and would not allow the harvesting of any fish in certain special regulation waters.

The Commission's primary proposal retains the Wild Brook Trout Enhancement Program and Delayed Harvest ALO (with time of day fishing restriction removed) and consolidates the remaining eight special regulations into four programs, including the new Catch and Release FFO, the renamed Trophy Trout AT, the renamed Trophy Trout ALO and the new Catch and Release AT.

The Commission's proposal has the following components:

(1) The Commission proposes establishing a new program called Catch and Release FFO. The Heritage Trout Angling Program and the Delayed Harvest FFO Program will be eliminated, and all waters currently in them (7 waters in the Heritage Program and 26 waters in the Delayed Harvest FFO Program) will be designated into the new Catch-and-Release FFO Program. This program will provide no closed season with no harvest, no hourly restrictions, no restriction on wading and no requirement for barbless hooks. During the substantial public commentary regarding the proposal to permit AT on delayed harvest waters during the harvest season, a large segment of the fly fishing community indicated a preference for no-harvest in the current Delayed Harvest FFO Program. The main change for current delayed harvest FFO waters is the removal of the former summer harvest season.

The effect of the proposed amendments are shown on the following chart:

<b>Action</b>	<b>Program</b>	<b>Number Waters</b>	<b>Harvest Season</b>	<b>Size Limit</b>	<b>Creel Limit</b>	<b>Tackle</b>
New Program § 65.14	Catch and Release FFO	33	None	—	None	FFO
Eliminate § 65.2	Delayed Harvest FFO Areas	26	June 15 through Labor Day	9"	3	FFO
Eliminate § 65.3	Heritage Trout Angling Program	7	None	—	None	FFO

(2) The Commission proposes to rename the All Tackle Trophy Trout to Trophy Trout All Tackle. This program will offer a year-round harvest season (increased from mid-April to Labor Day) with a 24-inch minimum length limit (increased from 14 inches), a one trout daily creel limit and no wading restrictions. The area of the Allegheny River, Warren County, will be moved from miscellaneous special regulations in § 65.24 (relating to miscellaneous special regulations) to the Trophy Trout AT program in renamed § 65.4a (relating to all-tackle trophy trout).

The effect of the proposed changes is shown in the following table:

Action	Program	Number Waters	Harvest Season	Size Limit	Creel Limit	Tackle
New Name § 65.4a	Trophy Trout AT	5	Year-round	24"	1	AT
Rename § 65.4a	AT Trophy Trout	4	Mid-April through Labor Day	14"	2	AT
Remove from § 65.24	Allegheny River, Warren County	1	Mid-April through Labor Day	14"	2	AT

(3) The Commission proposes renaming the existing Trophy Trout Program to the Trophy Trout Artificial Lures Only Program and eliminating the existing Catch and Release Program. All waters in the existing Trophy Trout Program will remain in the renamed program and all waters in the existing Catch and Release Program will be designated to the Trophy Trout ALO Program. Tackle for this program will remain ALO as currently specified for both existing programs, except barbed hooks will now be allowed. Fishing will be permitted year-round with no hourly restriction and no taking of bait fish or fish bait. A 24 inch minimum length limit and a one trout per day creel limit will apply.

The effect of these proposed amendments is shown in the following table:

Action	Program	Number Waters	Harvest Season	Size Limit	Creel Limit	Tackle
New Name § 65.7	Proposed Trophy Trout ALO	26	Year-round	24-inch	1	ALO
Rename § 65.7	Trophy Trout Program	8	Mid-April through Labor Day	14-inch	2	ALO
Eliminate § 65.5	Catch-and-Release Areas	18	None	—	—	ALO

(4) The Commission proposes creating a new program called Catch and Release All-Tackle. One miscellaneous special regulation water, Spring Creek, Centre County, and one water designated under § 65.23 (relating to special restrictions on polluted zones), Valley Creek, Chester County, will be designated into this new program.

The effect of the proposed amendments is shown in the following table:

Action	Program	Number Waters	Harvest Season	Size Limit	Creel Limit	Tackle
New Program § 65.16	Catch and Release AT	2	None	—	None	AT
Remove from § 65.23	Valley Creek	1	None	—	None	Valley Forge National Park special bait restrictions apply
Remove from § 65.24	Spring Creek	1	None	—	None	AT

(5) The Commission proposes amending the Delayed Harvest ALO Program to remove the daily fishing time restriction and to clarify that wading is permitted and a current trout/salmon stamp is required.

Accordingly, the Commission proposes that §§ 65.2, 65.3, 65.4a, 65.5, 65.6, 65.7 and 65.24 be amended to read as set forth in Annex A. The Commission further proposes the addition of §§ 65.14 and 65.15 to read as set forth in Annex A.

In addition to the proposal containing the preceding components, the Commission also seeks public comment on an alternative proposal that focuses on catch and release. The proposal focusing on catch and release is similar to the proposal focusing on trophy trout in that it retains the Wild Brook Trout Enhancement Program and the Delayed Harvest ALO (with the time of day fishing restrictions removed) and in that the Heritage Trout

Angling Program and Delayed Harvest FFO Program will be eliminated and all waters in them will be designated into a new Catch and Release FFO Program. However, the Catch and Release Program and Trophy Trout Program, under the catch and release alternative, would become Catch and Release ALO fishing areas. Under the alternative proposal, the AT Trophy Trout waters and the Allegheny River special regulation area would be combined with Spring and Valley Creeks into a new Catch and Release AT Program. The catch and release alternative proposal would prohibit harvesting of any trout on waters regulated under the Catch and Release FFO, Catch and Release ALO and Catch and Release AT Programs.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

### G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 45 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

**Fiscal Note:** 48A-170. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

##### § 65.2. [Delayed harvest fly-fishing only areas] (Reserved).

(a) The Executive Director, with the approval of the Commission, may designate waters as delayed-harvest, fly-fishing only areas. The designation of waters as delayed-harvest, fly-fishing only areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted delayed-harvest fly-fishing only areas except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion on a single hook with components wound on or about the hook. Anything other than these items is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with a maximum of 18 feet in leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.

(3) The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(4) Fishing hours are: 1 hour before sunrise to 1 hour after sunset during the regular and any extended trout season.

(5) Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

(6) The daily creel limit is: Three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or in possession on the waters under regulation.

(7) Taking of baitfish is prohibited. ]

##### § 65.3. [Heritage Trout Angling Program] (Reserved).

(a) The Executive Director, with the approval of the Commission, may designate waters as areas subject to Heritage Trout Angling Program regulations. The designation of waters as Heritage Trout Angling Program areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted Heritage Trout Angling Program areas except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion on a single barbless hook with components wound on or about the hook. Anything other than these items is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with a maximum of 18 feet in leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.

(3) The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(4) Fishing hours are 1 hour before sunrise to 1 hour after sunset.

(5) No trout may be killed or had in possession.

(6) There is no closed season.

(7) Wading is permitted unless otherwise posted.

(8) Taking of baitfish or fishbait is prohibited. ]

##### § 65.4a. [All-tackle trophy] Trophy trout all-tackle areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as [all-tackle] trophy trout all-tackle areas. The designation of waters as [all-tackle] trophy trout all-tackle areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted [all-tackle] trophy trout all-tackle areas except in compliance with the following requirements:

\* \* \* \* \*

(2) Minimum size is [ : 14 ] 24 inches, caught on, or in possession on, the waters under regulation.

(3) The daily creel limit is [ : two ] one trout [ — combined species—from 8 a.m. on the opening day of trout season in April until midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation ].



\* \* \* \* \*

§ 65.5. [ Catch-and-release areas ] (Reserved).

(a) The Executive Director, with the approval of the Commission, may designate waters as catch-and-release areas. The designation of waters as catch-and-release artificial lures only areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted catch-and-release areas except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Barbed hooks are prohibited; fishing may be done with barbless hooks only.

(2) The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3) Fishing hours are 1 hour before sunrise to 1 hour after sunset.

(4) No trout may be killed or had in possession.

(5) The catch and release program is open to fishing the year-round; there is no closed season.

(6) Wading is permitted unless otherwise posted.

(7) Taking of baitfish or fishbait is prohibited. ]

§ 65.6. Delayed harvest artificial lures only areas.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted delayed-harvest, artificial lures only areas except in compliance with the following requirements:

\* \* \* \* \*

(3) [ Fishing hours are: 1 hour before sunrise to 1 hour after sunset during the regular and any extended trout season. ] A current trout/salmon stamp is required.

\* \* \* \* \*

§ 65.7. Trophy [ Trout Program ] trout artificial lures only areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as trophy trout **artificial lures only** areas. The designation of waters as trophy trout **artificial lures only** areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted trophy trout **artificial lures only** areas except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. **Anything other than these items is prohibited.**

\* \* \* \* \*

(3) The program is open to fishing [ **the entire year** ] **year-round; there is no closed season.**

(4) The minimum size is [ **14** ] **24** inches, caught on or in possession on the waters under regulation.

(5) The daily creel limit is [ **two** ] **one** trout [ **—combined species—except during the period from the day after Labor Day to 8 a.m. of the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation** ].

\* \* \* \* \*

(7) A current trout/salmon stamp is required.

§ 65.14. Catch and release fly-fishing only areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only areas. The designation of waters as catch and release fly-fishing only areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted catch and release fly-fishing only areas except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion on a single hook with components wound on or about the hook. Anything other than these items is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with a maximum of 18 feet in leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.

(3) The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(4) Trout may not be killed or had in possession.

(5) The program is open to fishing year-round; there is no closed season.

(6) Taking of baitfish or fishbait is prohibited.

(7) A current trout/salmon stamp is required.

§ 65.15. Catch and release all-tackle areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release all-tackle areas. The designation of waters as catch and release all-tackle areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted catch and release all-tackle areas except in compliance with the following requirements:

(1) Trout may not be killed or had in possession.

(2) The program is open to fishing year round, there is no closed season.

(3) A current trout/salmon stamp is required.

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
[ Centre ]	[ Spring Creek—16.6 miles downstream from the SR 3010 bridge to the mouth (excluding the established Heritage Trout Angling project at Fisherman's Paradise and the exhibition area in Bellefonte). This area shall be known as "Spring Creek Special Trout Management Area." ]	[ Trout (all species)—No closed season under no-harvest regulations with no tackle restrictions. ]
	* * * * *	
[ Warren ]	[ Allegheny River—8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek ]	[ Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the opening day of regular trout season through midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply. ]
	* * * * *	

[Pa.B. Doc. No. 05-839. Filed for public inspection April 29, 2005, 9:00 a.m.]

## STATE BOARD OF OSTEOPATHIC MEDICINE

### [49 PA. CODE CH. 25] Deletion of Exam Fees

The State Board of Osteopathic Medicine (Board) proposes to amend §§ 25.223 and 25.231 (relating to applications for examination; and schedule of fees) by deleting references to examination applications and examination fees to read as set forth in Annex A.

#### A. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

The proposed rulemaking is authorized under section 13.1 of the Osteopathic Medical Practice Act (act) (63 P. S. § 271.13a).

#### C. *Background and Purpose*

The Board is proposing to eliminate references to Nationally established examination fees over which the Board has no control or involvement. The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Over the past several years, National uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the National examiners and are subject to being changed periodically by the National examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in the Board's regulations. Because examination fees are no longer established by

the Board, section 13.1 of the act is inapplicable as to National uniform examinations. Thus, the Board is eliminating reference to these examination fees. Also, the Board is proposing to eliminate the reference to the osteopathic diagnosis and manipulative therapy examination fee. This examination is administered by Professional Credential Services (PES) and the applicant for this examination pays the examination fee directly to PES.

In addition, the Board is taking this opportunity to delete references in § 25.223(b) to specific dates for the administration of examinations and related deadlines for submission of examination applications because the examinations are now computer-based, rather than written, and therefore are administered regularly as scheduled by the applicant.

#### D. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would have no adverse fiscal impact on the Commonwealth or its political subdivisions or members of the private sector who apply for examinations. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### E. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### F. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 20, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### G. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Beth Sender Michlovitz, Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

THOMAS R. CZARNECKI, D.O.,  
Chairperson

**Fiscal Note:** 16A-5315. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

#### Subchapter E. PERFORMANCE OF RADIOLOGIC PROCEDURES BY AUXILIARY PERSONNEL

#### § 25.223. Applications for examination.

\* \* \* \* \*

(b) [ The examinations listed in subsection (a) are administered in this Commonwealth on the third Thursday of March, July and October. Applications for the March examination shall be received by December 31, applications for the July examination shall be received by April 30 and applications for the October examination shall be received by July 31.

(c) ] \* \* \*

#### Subchapter F. FEES

#### § 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

\* \* \* \* \*

[ Osteopathic Manipulative Therapy  
Examination .....\$87 ]

\* \* \* \* \*

Application for radiology [ (ARRT) ]  
examinations ..... \$25

[ ARRT Examination in Radiography..... \$20

ARRT Examination in Nuclear Medicine  
Technology..... \$20

ARRT Examination in Radiation Therapy  
Technology..... \$20

ARRT Limited Examination in Radiography-  
Thorax and Extremities ..... \$25

ARRT Limited Examination in Radiography-  
Skull and Sinuses.....\$25 ]

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[Pa.B. Doc. No. 05-840. Filed for public inspection April 29, 2005, 9:00 a.m.]

## STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]

### Continuing Education

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.32—47.37 and 47.41 and add §§ 48.31—48.42 and 49.31—49.42 (relating to continuing education) to read as set forth in Annex A.

#### Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### Statutory Authority

Under section 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1918(a)), the Board is authorized to require evidence of continuing education as a condition of license renewal.

#### Background and Purpose

With the enactment of the act of December 21, 1998 (P.L. 1017, No. 136), the Board now licenses marriage and family therapists, clinical social workers and professional counselors along with social workers. The Board's current regulations provide for continuing education of social workers only. The proposed rulemaking will amend the provisions pertaining to continuing education for social workers in Chapter 47 to extend the continuing education requirement to clinical social workers and add similar provisions in Chapters 48 and 49, which will include continuing education requirements for marriage and family therapists and professional counselors respectively. This proposed rulemaking will require 30 clock hours of continuing education as a condition of biennial renewal of a license beginning with the renewals in 2007.

#### Description of Proposed Rulemaking

The proposed rulemaking would amend §§ 47.32—47.37 and 47.41. These sections currently contain the continuing education requirements for licensed social workers. These sections would be amended to extend the continuing education requirements to clinical social workers. In addition, 3 of the 30 hours of continuing education would be required to be completed in topics related to ethical issues. The Board also proposes to add §§ 48.31—48.42 to include continuing education requirements for

marriage and family therapists and §§ 49.31—49.42 to including continuing education requirements for professional counselors.

Sections 48.31 and 49.31 (relating to definitions) would define the terms “biennium,” “certification,” “clock hour” and “provider.” Section 47.32 (relating to requirement for biennial renewal) would be amended to extend the continuing education requirement to licensed clinical social workers effective with the 2007 renewals and also to require that at least 3 of the required 30 clock hours be completed in topics related to ethical issues. Similarly, §§ 48.32 and 49.32 (relating to requirement for biennial renewal) would require marriage and family therapists and professional counselors to complete, as a condition of biennial renewal for 2007 renewals and thereafter, 30 clock hours of continuing education offered by approved providers which must include at least 3 clock hours in ethical issues. Any excess hours may not be carried over to the next biennium.

Section 47.33 (relating to acceptable continuing education courses and programs) would be amended and §§ 48.33 and 49.33 (relating to acceptable continuing education courses and programs) would be added to explain that acceptable continuing education courses and programs would be those that are geared toward the master's level practitioner and must pertain to the scope of practice appropriate to the particular license. Subsection (d) would allow a licensee to accrue up to 20 of the required clock hours in home study courses offered by approved providers so long as the course has specific learning objectives and the provider evaluates the extent of learning that has taken place.

Section 47.34 (relating to registration of continuing education providers, courses and programs) would be amended and §§ 48.34 and 49.34 (relating to registration of continuing education providers who offer one course or program) would be added to clarify the requirements for the registration of continuing education providers who offer or intend to offer only one course or program. A provider could be an agency, organization, institution, association, center or individual. These provisions set forth the information required from the applicant and permit the Board to reject a submitted course or program which is outside the scope of practice for that particular license or is unacceptable because of presentation, content or failure to meet the standards under §§ 47.35, 48.35 and 49.35 (relating to standards for courses and programs). Applicants who are disapproved by the Board will receive a letter explaining the reason for disapproval and inform the applicant of the opportunity to submit a revised application within 10 days of receipt of the disapproval. Subsection (f) allows the Board to withdraw approval of a provider for cause and provides that the provider will be notified in writing of the reasons for withdrawal of approval.

Section 47.35 would be amended and §§ 48.35 and 49.35 would be added to set out the standards that courses and programs must meet in order to be approved by the Board. Section 47.36 (relating to sources of continuing education courses and programs) would be amended and §§ 48.36 and 49.36 (relating to preapproved providers of continuing education courses and programs for marriage and family therapists; and preapproved providers of continuing education courses and programs for professional counselors) would be added to list the providers that the Board has determined have already met the standards of §§ 47.35, 48.35 and 49.35 and therefore are considered to have preapproval status.

These providers would be approved for all courses and programs given by these providers (whereas §§ 47.34, 48.34 and 49.34 pertain to providers offering only one course or program). Subsection (b) would allow the Board to consider for approval, on a biennial basis, other organizations that offer multiple courses and programs for licensees.

Sections 47.36a, 48.37 and 49.37 (relating to other sources of continuing education) would authorize the Board to grant clock hours on a case-by-case basis for particular types of experiences. Section 47.37 (relating to reporting of hours spent in continuing education) would be amended and §§ 48.38 and 49.38 (relating to reporting by licensee of hours spent in continuing education) would require applicants for license renewal to provide a signed statement certifying that the continuing education requirements have been met. Subsection (b) would list the information that a licensee would need to submit in the event that the licensee would be selected for audit. Sections 48.39 and 49.39 (relating to retention of records) would require a licensee to retain documentation of completion of the required continuing education for 4 years following the certification period pertaining to that particular biennial renewal period.

Sections 48.40 and 49.40 (relating to exemption and waiver) would provide that an individual applying for licensure in this Commonwealth for the first time would be exempted from the continuing education requirement for the biennial renewal period following initial licensure. Subsection (b) would permit the Board to waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request would need to be in writing and include a description of the circumstances sufficient to show why compliance is impossible. Waivers could be granted for serious illness, military service or other demonstrated hardship.

Sections 48.41 and 49.41 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) would require a licensee seeking to reinstate an inactive or lapsed license to show proof of compliance with the continuing education requirement for the preceding biennium. Section 47.41 (relating to disciplinary action authorized) would be amended and §§ 48.42 and 49.42 (relating to disciplinary action authorized) would be added to provide for discipline by the Board, under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)), in the event a licensee would submit fraudulent clock hour reports. Subsection (b) would also provide that the falsification of a clock hour report by a program provider would result in revocation of approval by the Board for further program offerings of that provider.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will require the Board to alter its license renewal forms to include data regarding the licensee's compliance with the continuing education requirements and will also require licensees to maintain their own records of continuing education credits. The proposed rulemaking would not have any additional adverse fiscal impact on the Commonwealth or its political subdivisions. There would be a fiscal impact upon licensees who would be required to pay for and complete continuing education hours.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 20, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Sandra Matter, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6912, Continuing Education, when submitting comments.

RONALD HAYS,  
*Chairperson*

**Fiscal Note:** 16A-6912. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS** **CONTINUING EDUCATION**

##### **§ 47.32. Requirement for biennial renewal.**

(a) **[ For 1997 renewals and thereafter, the ]** The Board **[ will require ]** requires, as a condition of biennial renewal of a **social worker's** license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. **Effective with the 2007 renewals and thereafter, at least 3 of the required 30 clock hours must be related to ethical issues.**

(b) For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a clinical social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

##### **§ 47.33. Acceptable continuing education courses and programs.**

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(b) **[ Acceptable subject matter for continuing education courses and programs is limited to courses and programs pertaining to the enhancement of the social worker's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community. ]** Continuing education courses and programs must be appropriate for the master's level practitioner and pertain to the practice of social work or clinical social work as defined in section 3 of the act (63 P. S. § 1903).

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) **A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.**

§ 47.34. Registration of continuing education providers**[ , courses and programs ]** who offer one course or program.

(a) An agency, organization, institution, association **[ or ]**, center or individual seeking to offer **[ an ]** one organized course or program may apply to the Board as a provider.

(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of **[ \$40 ] \$45**, at least 90 days before the date the course or program commences.

\* \* \* \* \*

(e) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned **and be listed on the certificate of attendance.**

(f) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of social work **or clinical social work** or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 47.35.

(g) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit **[ new applications ]** a revised application within 10 days after receipt of disapproval. **[ New ] Revised** applications shall document alterations made to meet Board requirements. Notification on **[ new ] revised** applications will occur as soon as possible within the Board's capability.

(h) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of approval will be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

##### **§ 47.35. Standards for courses and programs.**

(a) A provider **[ or licensee ]** seeking Board approval of a course or program shall present evidence that the course or program **is geared toward the master's level practitioner** and has the following:

(1) Subject matter pertaining to the enhancement of the social worker's or **clinical social worker's** knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

\* \* \* \*

(b) Providers shall **[supply adequate facilities including accessibility to persons who are disabled] comply with relevant Federal, State and local laws related to serving people with disabilities and shall provide adequate facilities** and appropriate instructional materials to carry out the continuing education course or program.

\* \* \* \*

§ 47.36. **[Sources] Preapproved providers** of continuing education courses and programs **for social workers and clinical social workers.**

(a) In addition to providers approved under § 47.34 (relating to registration of continuing education providers **[, courses and programs] who offer one course or program**), the Board finds the following entities have currently met the standards in § 47.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

(1) Graduate and undergraduate **[schools] programs** accredited by the Council on Social Work Education.

(2) **[The Child Welfare League of America and its state and local affiliates.**

(3) **The National Association of Social Workers and its state and local affiliates.**

(4) **The National Association of Black Social Workers and its state and local affiliates.**

(5) **The Family Service Association of America and its state and local affiliates.**

(6) **The National Federation of Societies for Clinical Social Work, Inc. and its state and local affiliates. ] The Association of Social Work Boards.**

(3) **Accredited colleges and universities (graduate level and continuing education programs).**

(4) **Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).**

(5) **The following groups and the providers, courses or workshops approved by them:**

(i) **The National Association of Social Workers (NASW) and its state and local affiliates.**

(ii) **The Clinical Social Work Federation, Inc. (CSWF) and its state and local affiliates.**

(iii) **The National Board for Certified Counselors, Inc. (NBCC).**

(iv) **The Commission on Rehabilitation Counselor Certification (CRCC).**

(v) **The Certification Board for Music Therapists (CBMT).**

(vi) **The American Art Therapy Association (AATA).**

(vii) **The American Dance Therapy Association (ADTA).**

(viii) **The National Association for Drama Therapy (NADT).**

(ix) **The American Psychological Association (APA).**

(x) **The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.**

(xi) **The American Nurses Credentialing Center (ANCC).**

(6) **The following groups and their regional, state and local affiliates:**

(i) **The Child Welfare League of America.**

(ii) **The National Association of Black Social Workers.**

(iii) **The Family Service Association of America.**

(iv) **The National Federation of Societies for Clinical Social Work, Inc.**

(v) **The American Association for Marriage and Family Therapy (AAMFT).**

(vi) **The American Family Therapy Association (AFTA).**

(vii) **The National Council on Family Relations (NCFR).**

(viii) **Council of Nephrology Social Workers.**

(ix) **The American Association of Sex Educators, Counselors and Therapists (AASECT).**

(x) **The American Association of Pastoral Counselors (AAPC).**

(xi) **The American School Counselor Association (ASCA).**

(xii) **The American Counseling Association (ACA).**

(xiii) **The American Mental Health Counselors Association (AMHCA).**

(xiv) **The National Rehabilitation Counseling Association (NRCA).**

(b) **The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for social workers and clinical social workers. An organization seeking Board approval shall submit an application to the Board which includes the information required in § 47.34(c) (relating to registration of continuing education providers who offer one course or program). The application shall be submitted at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.**

(c) **The approval given to providers is subject to re-evaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to [general rules of administrative practice and procedure] General Rules of Administrative Practice and Procedure).**

[ (c) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval and supporting documentation provided in § 47.35, and upon completion of the course or program submits verification of attendance.

(d) Clock hours may be granted on a case-by-case basis for the following:

(1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) Services as a teacher, preceptor, lecturer or speaker and for publications of articles, books and research relating to the practice of social work. ]

**§ 47.36a. Other sources of continuing education.**

(a) Clock hours may be granted on a case-by-case basis for the following:

(1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) Services as a teacher (first-time experience only), preceptor, lecturer or speaker.

(3) Publications of articles, books and research relating to the practice of social work or clinical social work.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1) and (2) shall submit, prior to participating in the event, an application for approval along with a fee as provided by § 47.34(b) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3), shall submit, after the publication of the article, book or research, an application for approval along with a fee as provided by § 47.34(b).

§ 47.37. Reporting by licensee of hours spent in continuing education.

(a) Applicants for license renewal shall provide[ , at a time prescribed and on forms approved by the Board, ] a signed statement certifying that the continuing education requirements have been met [ and providing ].

(b) A licensee selected for audit shall provide information to document [ their ] the licensee's certification, which information shall include the following:

\* \* \* \* \*

(7) The Board approval number assigned to the course or program.

**§ 47.41. Disciplinary action authorized.**

(a) A licensed social worker or clinical social worker who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)).

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(Editor's Note: The following text is new. It has been printed in regular type to enhance readability.)

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**CONTINUING EDUCATION**

**§ 48.31. Definitions.**

The following words and terms, when used in this section §§ 48.32—48.42, have the following meanings, unless the context clearly indicates otherwise:

*Biennium*—The period from March 1 of an odd-numbered year to February 28 of the next odd-numbered year.

*Certification*—A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

*Clock hour*—50 to 60 minutes of instruction or participation in an approved course or program.

*Provider*—An agency, organization, institution, association, center or individual approved by the Board to offer an organized course or program.

**§ 48.32. Requirement for biennial renewal.**

For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a marriage and family therapist's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

**§ 48.33. Acceptable continuing education courses and programs.**

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit.

(b) Continuing education courses and programs must be appropriate for the master's level practitioner and pertain to the practice of marriage and family therapy as defined in section 3 of the act (63 P. S. § 1903).

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

**§ 48.34. Registration of continuing education providers who offer one course or program.**

(a) An agency, organization, institution, association, center or individual seeking to offer one organized course or program may apply to the Board as a provider by filing an application, along with a fee of \$45, at least 90 days before the date the course or program commences. The application must include the following information:

(1) The full name and address of the applicant.

(2) The title of the course or program and core subjects covered.

(3) The dates and location of the course or program.

(4) The instructor names, titles, affiliations and degrees.

(5) The schedule of the course or program-syllabus, lecturer, time allocated and the like.

(6) The total number of clock hours requested.

(7) The method of certifying attendance.

(8) The objectives.

(9) The course or program coordinator.

(10) The instruction and evaluation methods.

(11) The evidence of meeting the standards in § 48.35 (relating to standards for courses and programs).

(b) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.

(c) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and shall be listed on the certificate of attendance.

(d) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of marriage and family therapy or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 48.35.

(e) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit a revised application within 10 days after receipt of disapproval. Revised applications shall document alterations made to meet Board requirements. Notification on revised applications will occur as soon as possible within the Board's capability.

(f) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of approval will be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

#### **§ 48.35. Standards for courses and programs.**

(a) A provider seeking Board approval of a course or program shall present evidence that the course or program is appropriate for the master's level practitioner and has the following:

(1) Subject matter pertaining to the enhancement of the marriage and family therapist's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

(2) An established mechanism measuring the quality of the course or program being offered.

(3) Established criteria for selecting and evaluating faculty or source material.

(4) Established criteria for the evaluation of each course or program upon completion.

(5) A minimum total duration of at least 2 clock hours. The hours need not be contiguous.

(b) Providers shall comply with relevant Federal, State and local laws related to serving people with disabilities and provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

(c) Providers shall insure that instructors have suitable qualifications and are of good reputation and character.

#### **§ 48.36. Preapproved providers of continuing education courses and programs for marriage and family therapists.**

(a) In addition to providers approved under § 48.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 48.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

(1) Graduate and undergraduate programs accredited by the Council on Social Work Education.

(2) The Association of Social Work Boards.

(3) Accredited colleges and universities (graduate level courses and continuing education programs).

(4) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(5) The following groups and the providers, courses or workshops approved by them:

(i) The National Association of Social Workers (NASW) and its state and local affiliates.

(ii) The Clinical Social Work Federation, Inc. (CSWF) and its state and local affiliates.

(iii) The National Board for Certified Counselors, Inc. (NBCC).

(iv) The Commission on Rehabilitation Counselor Certification (CRCC).

(v) The Certification Board for Music Therapists (CBMT).

(vi) The American Art Therapy Association (AATA).

(vii) The American Dance Therapy Association (ADTA).

(viii) The National Association for Drama Therapy (NADT).

(ix) The American Psychological Association (APA).

(x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.

(xi) The American Nurses Credentialing Center (ANCC).

(6) The following groups and their regional, state and local affiliates:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America.

(iv) The National Federation of Societies for Clinical Social Work, Inc.

(v) The American Association for Marriage and Family Therapy (AAMFT).

(vi) The American Family Therapy Association (AFTA).

(vii) The National Council on Family Relations (NCFR).

(viii) Council of Nephrology Social Workers.

(ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).

(x) The American Association of Pastoral Counselors (AAPC).

(xi) The American School Counselor Association (ASCA).

(xii) The American Counseling Association (ACA).



(xiii) The American Mental Health Counselors Association (AMHCA).

(xiv) The National Rehabilitation Counseling Association (NRCA).

(b) The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for marriage and family therapists. An organization seeking Board approval shall submit an application to the Board which includes the information required in § 48.34(a). The application shall be submitted at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.

(c) The approval given to providers is subject to re-evaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

#### **§ 48.37. Other sources of continuing education.**

(a) Clock hours may be granted on a case-by-case basis for the following:

(1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) Services as a teacher (first-time experience only), preceptor, lecturer or speaker.

(3) Publications of articles, books and research relating to the practice of social work or clinical social work.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1) and (2) shall submit, prior to participating in the event, an application for approval along with a fee of \$45 as provided by § 48.34(a) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3) of this section, shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by § 48.34(a).

#### **§ 48.38. Reporting by licensee of hours spent in continuing education.**

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met.

(b) A licensee selected for audit shall provide information to document the licensee's certification. The information must include the following:

(1) The date attended.

(2) The clock hours claimed.

(3) The title of course or program and description of content.

(4) The school, hospital, medical center or organization which sponsored the course or program.

(5) The instructor.

(6) The location of course or program.

(7) The Board approval number assigned to the course or program.

#### **§ 48.39. Retention of records.**

The licensee shall retain documentation of completion of the prescribed number of clock hours for 4 years following the certification which shall be produced upon request by the Board or its auditing agents. The Board

will utilize a random audit of renewals to determine compliance with the education requirement.

#### **§ 48.40. Exemption and waiver.**

(a) An individual applying for licensure in this Commonwealth for the first time shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.

(b) The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

#### **§ 48.41. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

#### **§ 48.42. Disciplinary action authorized.**

(a) A licensed marriage and family therapist who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)).

(b) The falsification of a clock hour report by a program provider will result in revocation of approval by the Board for further program offerings of that provider.

### **CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS**

#### **CONTINUING EDUCATION**

#### **§ 49.31. Definitions.**

The following words and terms, when used in this section and §§ 49.32—49.42, have the following meanings, unless the context clearly indicates otherwise:

*Biennium*—The period from March 1 of an odd-numbered year to February 28 of the next odd-numbered year.

*Certification*—A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

*Clock hour*—50 to 60 minutes of instruction or participation in an approved course or program.

*Provider*—An agency, organization, institution, association, center or individual approved by the Board to offer an organized course or program.

#### **§ 49.32. Requirement for biennial renewal.**

For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a professional counselor's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

**§ 49.33. Acceptable continuing education courses and programs.**

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit.

(b) Continuing education courses and programs must be appropriate for the master's level practitioner and pertain to the practice of professional counseling as defined in section 3 of the act (63 P. S. § 1903).

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

**§ 49.34. Registration of continuing education providers who offer one course or program.**

(a) An agency, organization, institution, association, center or individual seeking to offer one organized course or program may apply to the Board as a provider by filing an application, along with a fee of \$45, at least 90 days before the date the course or program commences. The application must include the following information:

- (1) The full name and address of the applicant.
- (2) The title of the course or program and core subjects covered.
- (3) The dates and location of the course or program.
- (4) The instructor names, titles, affiliations and degrees.
- (5) The schedule of the course or program-syllabus, lecturer, time allocated and the like.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The objectives.
- (9) The course or program coordinator.
- (10) The instruction and evaluation methods.
- (11) The evidence of meeting the standards in § 49.35 (relating to standards for courses and programs).

(b) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.

(c) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and shall be listed on the certificate of attendance.

(d) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of professional counseling or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 49.35.

(e) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit a revised application within 10 days after receipt of disapproval. Revised applications shall document alterations made to meet Board requirements. Notification on revised applications will occur as soon as possible within the Board's capability.

(f) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. With-

drawal of approval will be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

**§ 49.35. Standards for courses and programs.**

(a) A provider seeking Board approval of a course or program shall present evidence that the course or program is geared toward the master's level practitioner and has the following:

(1) Subject matter pertaining to the enhancement of the professional counselor's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

(2) An established mechanism measuring the quality of the course or program being offered.

(3) Established criteria for selecting and evaluating faculty or source material.

(4) Established criteria for the evaluation of each course or program upon completion.

(5) A minimum total duration of at least 2 clock hours; however, the hours need not be contiguous.

(b) Providers shall comply with relevant Federal, State and local laws related to serving people with disabilities and provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

(c) Providers shall insure that instructors have suitable qualifications and are of good reputation and character.

**§ 49.36. Preapproved providers of continuing education courses and programs for professional counselors.**

(a) In addition to providers approved under § 49.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 49.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

(1) Graduate and undergraduate programs accredited by the Council on Social Work Education.

(2) The Association of Social Work Boards.

(3) Accredited colleges and universities (graduate level courses and continuing education programs).

(4) Graduate and post-graduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(5) The following groups and the providers, courses or workshops approved by them:

(i) The National Association of Social Workers (NASW) and its state and local affiliates.

(ii) The Clinical Social Work Federation, Inc. (CSWF) and its state and local affiliates.

(iii) The National Board for Certified Counselors, Inc. (NBCC).

(iv) The Commission on Rehabilitation Counselor Certification (CRCC).

(v) The Certification Board for Music Therapists (CBMT).

(vi) The American Art Therapy Association (AATA).

(vii) The American Dance Therapy Association (ADTA).

(viii) The National Association for Drama Therapy (NADT).

(ix) The American Psychological Association (APA).

(x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.

(xi) The American Nurses Credentialing Center (ANCC).

(6) The following groups and their regional, state and local affiliates:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America.

(iv) The National Federation of Societies for Clinical Social Work, Inc.

(v) The American Association for Marriage and Family Therapy (AAMFT).

(vi) The American Family Therapy Association (AFTA).

(vii) The National Council on Family Relations (NCFR).

(viii) Council of Nephrology Social Workers.

(ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).

(x) The American Association of Pastoral Counselors (AAPC).

(xi) The American School Counselor Association (ASCA)

(xii) The American Counseling Association (ACA).

(xiii) The American Mental Health Counselors Association (AMHCA).

(xiv) The National Rehabilitation Counseling Association (NRCA).

(b) The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for professional counselors. An organization seeking Board approval shall submit an application to the Board which includes the information required in § 49.34(a). The application shall be submitted at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.

(c) The approval given to providers is subject to re-evaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

#### **§ 49.37. Other sources of continuing education.**

(a) Clock hours may be granted on a case-by-case basis for the following:

(1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) Services as a teacher (first-time experience only), preceptor, lecturer or speaker.

(3) Publications of articles, books and research relating to the practice of social work or clinical social work.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1) and (2) shall submit, prior to participating in the event, an application for approval along with a fee of \$45 as provided by § 49.34(a) (relating to registration of continuing education providers who offer

one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3), shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by § 49.34(a).

#### **§ 49.38. Reporting by licensee of hours spent in continuing education.**

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met.

(b) A licensee selected for audit shall provide information to document the licensee's certification. The information must include the following:

(1) The date attended.

(2) The clock hours claimed.

(3) The title of course or program and description of content.

(4) The school, hospital, medical center or organization which sponsored the course or program.

(5) The instructor.

(6) The location of course or program.

(7) The Board approval number assigned to the course or program.

#### **§ 49.39. Retention of records.**

The licensee shall retain documentation of completion of the prescribed number of clock hours for 4 years following the certification which shall be produced upon request by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the education requirement.

#### **§ 49.40. Exemption and waiver.**

(a) An individual applying for licensure in this Commonwealth for the first time shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.

(b) The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

#### **§ 49.41. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

#### **§ 49.42. Disciplinary action authorized.**

(a) A licensed professional counselor who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)).

(b) The falsification of a clock hour report by a program provider will result in revocation of approval by the Board for further program offerings of that provider.

[Pa.B. Doc. No. 05-841. Filed for public inspection April 29, 2005, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Community Conservation Partnerships Program Grants Available; Preapplication Workshops Scheduled

The Department of Conservation and Natural Resources (Department) announces the 2005-2006 open application period for Community Conservation Partnerships Program Grants administered by the Bureau of Recreation and Conservation (Bureau). The primary open application period will officially begin April 30, 2005, and end at 5 p.m. on September 30, 2005. A supplemental open application period for planning and acquisition projects only will begin October 1, 2005, and end April 14, 2006. Funding for recreation and conservation programs including Community Recreation, Land Trusts, Rails-to-Trails, Rivers Conservation, Pennsylvania Recreational Trails, Snowmobile/ATV and Land and Water Conservation Fund will be the focus of eight workshops and break-out sessions scheduled at the following locations throughout this Commonwealth, during June 2005.

June 1, 2005	Radisson Hotel—Valley Forge Convention Center King of Prussia	8:30 a.m.— 12 p.m.
June 2, 2005	Holiday Inn Conference Center, Allentown	8:30 a.m.— 12 p.m.
June 14, 2005	Holiday Inn, Clarion	8:30 a.m.— 12 p.m.

June 15, 2005	Four Points by Sheraton, Pittsburgh	8:30 a.m.— 12 p.m.
June 21, 2005	Radisson Hotel, Williamsport	8:30 a.m.— 12 p.m.
June 22, 2005	The Inn at Nichols Village Clarks Summit	8:30 a.m.— 12 p.m.
June 28, 2005	Ramada Inn, Altoona	8:30 a.m.— 12 p.m.
June 30, 2005	Holiday Inn, Harrisburg	8:30 a.m.— 12 p.m.

The grant application manual for Fiscal Year 2005-2006, as well as forms and additional information regarding directions to the workshops, can be found on the Department's website: [www.dcnr.state.pa.us/grants](http://www.dcnr.state.pa.us/grants). The grant manual can also be requested by contacting the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, 6th Floor, Rachel Carson State Office Building, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-7672, [rec&con@state.pa.us](mailto:rec&con@state.pa.us). The Bureau will conduct the workshops in cooperation with the Pennsylvania Recreation and Park Society.

Persons with a disability who wish to submit an application and require assistance should contact Darrel Siesholtz at (717) 787-7672 to discuss how the Department may best accommodate their needs. Voice/TTY users should call (800) 654-5984.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-842. Filed for public inspection April 29, 2005, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **I. NPDES Renewal Applications**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0080624 (IW)	B & W Quality Growers, Inc. 17825 79th Street Fellsmere, FL 32948	Cumberland County South Middleton Township	Letort Spring Run/7-B	Y
PA0083224 (SEW/Transfer)	All Seasons Inn P. O. Box 520650 Flushing NY 11355	Huntingdon County Brady Township	UNT Juniata River/12-C	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209236 (SP)	Tioga Borough P. O. Box 158 Tioga, PA 16946	Tioga County Tioga Township	Tioga River 4A	Y
PA003565	Morgan Advanced Materials & Technology	Potter County Eulalia Township	Potato—Oswayo Creeks (16)	Y
PA0113751 (IW)	Northrop Grumman Space and Mission Systems Corp 1840 Century Park East Los Angeles, CA 90067	Montour County Danville Borough	Susquehanna River 5E	Y
PA0228281 (SN)	Tabernacle of the Living God P. O. Box 409 Milesburg, PA 16853	Centre County Boggs Township	UNT of Bald Eagle Creek 9C	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0032751	Department of Transportation Bureau of Design Rest Area 18 (I-79 South) P. O. Box 3060 Harrisburg, PA 17105-3060	Mercer County Deer Creek Township	UNT to Black Run	Y
PA0032760	Department of Transportation Bureau of Design Safety Rest Area 17 (I-79 Northbound) P. O. Box 3060 Harrisburg, PA 17105-3060	Mercer County Deer Creek Township	UNT to Lake Wilhelm (Sandy Creek)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA 0246921**, Sewage, **Borough of Lenhartsville**, P. O. Box 238, Lenhartsville, PA 19534. This facility is located in Lenhartsville Borough, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Furnace Creek, is in Watershed 3-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the City of Reading Filtration Plant is located on Maiden Creek, approximately 12 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0423 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	XXX	From 6.0 to 9.0	
D.O.	XXX	XXX	XXX	Minimum of 5.0 mg/l	
Total Residual Chlorine	XXX	XXX	0.50	XXX	1.60
Total Suspended Solids	10	15	30	45	60
CBOD <sub>5</sub>	8.82	14	25	40	50
NH <sub>3</sub> -N	7.05	XXX	20	XXX	40
Total Phosphorus	Monitor and Report	XXX	Monitor and Report	XXX	XXX
Fecal Coliform (5-1 to 9-30)	XXX	XXX	200	XXX	XXX
(10-1 to 4-30)	XXX	XXX	10,000	XXX	XXX

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0070335**, SIC Code 3325, Industrial Waste, **McConway & Torley Corporation**, 230 Railroad Street, Kutztown, PA 19530. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Sacony Creek, in Kutztown Borough, **Berks County**.

The receiving stream is classified for trout stocking, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was City of Reading located in Ontelaunee Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 002 for a design flow of 0.393 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.051	0.102	0.128
Total Suspended Solids	Monitor and Report		
pH	6.0 to 9.0 S.U. at all times		

Persons may make an appointment to review the Department of Environmental Protection's files by calling Jackie Tribby, file review coordinator, (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0088072**, SIC Code 4953, Stormwater, **Bridgeview, Inc.**, R. R. 1, Box 364, Morgantown, PA 19543. This application is for issuance of an NPDES permit for an existing of stormwater to Hay Creek, Robeson Township, **Berks County**.

The proposed effluent limits for Outfalls 001 through 010 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
TSS	Monitor and Report
Total Phosphorus	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Iron	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report

Persons may make an appointment to review the Department of Environmental Protection's files by calling Jackie Tribby, file review coordinator, (717) 705-4732.

The EPA waiver is in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0001937-A1**, Industrial Waste, SIC, 3612, **Cooper Power Systems, Cooper US**, 600 Travis, Suite 5800, Houston, TX 77002, and **Pennsylvania Transformer Technology**, 201 Carolina Drive, Raeford, NC 28376. This application is for amendment of an NPDES permit to discharge treated process water, stormwater, untreated stormwater from Canonsburg Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek and UNT to Chartiers, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, 210 Perry Highway, Pittsburgh, PA 15229, 33 miles below the discharge point.

*Outfall 001: existing discharge, interim effluent limits.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			Not Detectable using EPA Method 608		
Oil and Grease			Monitor and Report		
Tetrachloroethylene			Monitor and Report		
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		
Chlordane			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001: existing discharge, final effluent limits*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			Not Detectable Using EPA Method 608		
Oil and Grease			Monitor and Report		
Tetrachloroethylene			Monitor and Report		
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		
Chlordane			Not Detectable Using EPA Method 608		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: existing discharge, interim effluent limits.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
PCB-1260			Not Detectable Using EPA Method 608		
Oil and Grease			Monitor and Report		
Arsenic			Monitor and Report		
Copper			Monitor and Report		

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Selenium			Monitor and Report		
Zinc			Monitor and Report		
Cyanide					
Free		Monitor and Report			
Total		Monitor and Report			
Tetrachloroethylene		Monitor and Report			
Trichloroethylene		Monitor and Report			

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Vinyl Chloride			Monitor and Report		
Fecal Coliforms			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Chlordane			Monitor and Report		
trans-1, 2 Dichloroethylene			Monitor and Report		
cis-1, 2 Dichloroethylene			Monitor and Report		
Chloroform		Monitor and Report			
pH	not less than 6.0 nor greater than 9.0				

*Outfall 102: new discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Oil and Grease			Monitor and Report		
Arsenic			Monitor and Report		
Copper			Monitor and Report		
Selenium			Monitor and Report		
Zinc			Monitor and Report		
Cyanide					
Free		Monitor and Report			
Total			Monitor and Report		
Tetrachloroethylene			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		
Fecal Coliforms			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Chlordane			Monitor and Report		
trans-1, 2 Dichloroethylene			Monitor and Report		
cis-1, 2 Dichloroethylene			Monitor and Report		
Chloroform			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 202: new discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Tetrachloroethylene			Monitor and Report		
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		
Chlordane			Monitor and Report		
trans-1, 2 Dichloroethylene			Monitor and Report		
cis-1, 2 Dichloroethylene			Monitor and Report		



<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chloroform			Monitor and Report		
Fecal Coliforms			Monitor and Report		
Oil and Grease			Monitor and Report		
pH	Monitor and Report				

*Outfall 002: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCBs		Not Detectable Using EPA Method 608			
Chlordane		Not Detectable Using EPA Method 608			
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Oil and Grease			Monitor and Report		
Tetrachloroethylene			Monitor and Report		
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		
Chlordane			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 104: new discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Oil and Grease			Monitor and Report		
Total Suspended Solids			Monitor and Report		
VOCs			Monitor and Report		
Chlordane			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 204: new discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Oil and Grease			Monitor and Report		
Chlordane			Monitor and Report		

*Outfall 004: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260		Not Detectable Using EPA Method 608			
Chlordane		Not Detectable Using EPA Method 608			
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005: existing discharge, interim effluent limits.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260			Not Detectable Using EPA Method 608		
Chlordane			Monitor and Report		
Oil and Grease			Monitor and Report		
Fecal Coliform			Monitor and Report		
Arsenic			Monitor and Report		
Chromium, tot			Monitor and Report		
Sulfate			Monitor and Report		
Lead			Monitor and Report		
Nickel			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc			Monitor and Report		
Cyanide			Monitor and Report		
total			Monitor and Report		
free			Monitor and Report		
Iron			Monitor and Report		
total			Monitor and Report		
dis			Monitor and Report		
Manganese			Monitor and Report		
Aluminum			Monitor and Report		
Fluoride			Monitor and Report		
Mercury			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005: existing discharge, final effluent limits.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
VOCs			Monitor and Report		
Chlordane			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0022276**, Sewage, **Southmoreland School District**, 609 Parker Avenue, Scottdale, PA 15683. This application is for renewal of an NPDES permit to discharge treated sewage from Southmoreland School District STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Stauffer Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

*Outfall 001: existing discharge, design flow of 0.021 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204714**, Sewage, **New Horizons Foundation, Inc.**, 145 New Horizons Drive, Clymer, PA 15728. This application is for renewal of an NPDES permit to discharge treated sewage from New Horizons Foundation STP in Cherryhill Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Penn Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Pennsylvania American Water Company.

*Outfall 001*: existing discharge, design flow of 0.0025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	21.0			42.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA#0047325**, Industrial, **PPL Susquehanna, LLC**, 769 Salem Boulevard, Berwick, PA 18603-0467. This proposed facility is located in Salem Township, **Luzerne County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated wastewater, cooling water, sewage and stormwater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed No. 5B and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Authority is located on the Susquehanna River, approximately 27 miles below the point of discharge.

The proposed effluent limits are as follows.

*Outfall 070—S-2 Sedimentation Pond—stormwater only.* There are no limitations for this discharge.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor and Report		
pH	Monitor and Report		
Total Suspended Solids	Monitor and Report		
Copper (total)	Monitor and Report		
Nickel (total)	Monitor and Report		
Zinc (total)	Monitor and Report		
Iron (total)	Monitor and Report		

*Outfall 071—Cooling tower blowdown (12.09 mgd)*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Free Available Chlorine		.20	.50
Total Chromium		.20	
Total Zinc		1.0	
pH	6.0 to 9.0 standard units at all times.		

Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than 2 hours in any 1 day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or State that the units in a particular location cannot operate at or below this level of chlorination.

*Outfall 072—Service and Administration Building Low Volume Waste Sump*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0	
Oil and Grease	15.0	20.0	30.0
pH	6.0 to 9.0 standard units at all times		

*Outfall 073—Unit I Turbine Building Low Volume Waste Sump*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0	
Oil and Grease	15.0	20.0	30.0
pH	6.0 to 9.0 standard units at all times		

*Outfall 074—Unit 2 Turbine Building Low Volume Waste Sump*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0	
Oil and Grease	15.0	20.0	30.0
pH	6.0 to 9.0 standard units at all times		

*Outfall 075—Peach Stand Pond*

Stormwater only. There are no limitations for this discharge.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor and Report		
pH	Monitor and Report		
Total Suspended Solids	Monitor and Report		
Copper (total)	Monitor and Report		
Nickel (total)	Monitor and Report		
Zinc (total)	Monitor and Report		
Iron (total)	Monitor and Report		

*Outfall 079—Sewage Treatment Plant (.08 mgd)*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
Total Residual Chlorine	1.0	2.0
Fecal Coliform	200/100 ml as a geometric average	
(5/1 to 9/30)	2,000/100 ml as a geometric average	
(10/1 to 4/30)	6.0 to 9.0 standard units at all times	
pH		

*Outfall 080—C-1 Pond*

Stormwater only. There are no limitations for this discharge.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor and Report		
pH	Monitor and Report		
Total Suspended Solids	Monitor and Report		
Copper (total)	Monitor and Report		
Nickel (total)	Monitor and Report		
Zinc (total)	Monitor and Report		
Iron (total)	Monitor and Report		

*Outfall 171—Radwaste Treatment*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0
Oil and Grease	15.0	20.0

*Outfall 371—Neutralization Basin*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0
Oil and Grease	15.0	20.0

For Outfall 071, except for total zinc and total chromium, there shall be no detectable levels of the remaining priority pollutants in this discharge due to the addition of chemicals for cooling tower maintenance.

There shall be no discharge of Polychlorinated BiPhenyl compounds such as those commonly used for transformer fluid.

The pH of all discharges, except once through cooling water, shall be within the range of 6.0 to 9.0.

The EPA waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 0605405**, Sewerage, **Alsace Township**, 65 Woodside Avenue, Temple, PA 19560-9530. This proposed facility is located in Alsace Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Alsace Township Sewage Area Sewage Treatment Plant.

**WQM Permit No. 3405401**, Sewerage, **Delaware Township**, R. R. 1, Box 410, Thompsontown, PA 17094. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Construction/operation of the East Salem Sewage Treatment Plant.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0273424-A4**, Sewerage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239-1197. This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for replacement and modifications of existing facilities.

**WQM Permit No. 0305402**, Sewerage, **Worthington West Franklin Joint Municipal Authority**, 102 West Main Street, Worthington, PA 16262. This proposed facility is located in West Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer system, including a collection and conveyance system and a 250,000 gpd Sewage Treatment Plant to serve Worthington Borough and West Franklin Township.

### IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

### V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010903003	Fountainhead Properties, LLS Fountainhead Site 70 Limekiln Pike Glenside, PA 19038	Bucks	Solebury Township	Aquetong Creek (HQ-CWF)
PAI010905012	Solomon Asser Solomon Subdivision 124 East 40th Street Suite 603 New York, NY 10016	Bucks	Springfield Township	Cooks Creek (EV)
PAI011505022	Frapple, LLC Fox Hunt Farm 100 Colonial Way West Chester, PA 19382	Chester	Franklin Township	UNT Big Elk Creek (HQ-TSF-MF)

### VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

### PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application

are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact

basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

##### **Permit No. 5205502**, Public Water Supply

Applicant	<b>Laurel Woods Mobile Home Park</b> 120 Laurel Woods Road Greeley, PA 18425
Township or Borough	Lackawaxen Township
County	<b>Pike</b>
Responsible Official	Deborah Ryan, Owner
Type of Facility	Public Water System
Consulting Engineer	R.K.R. Hess Associates, Inc. 112 North Courtland Street P. O. Box 268 East Stroudsburg, PA
Application Received Date	April 11, 2005
Description of Action	A major amendment to an existing permitted public water system for the addition of a treatment system (sequestering) to remove manganese.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### **Permit No. 3805502**, Public Water Supply.

Applicant	<b>DS Waters of America, LP</b>
Municipality	Millcreek Township
County	<b>Lebanon</b>
Responsible Official	Travis S. Thornton, Hydrogeologist 5660 New Northside Drive Atlanta, GA 30328
Type of Facility	Public Water Supply

Consulting Engineer	Gary J. Toplak, P. E. Crouse & Company 912 Greengate Plaza North Greensburg, PA 15601
Application Received Date	4/6/2005
Description of Action	Construction of a new spring house facility. The new source will be Arrowhead Spring No. 1 (Big spring). Treatment will be provided at the existing loadout facility.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

##### **Permit No. 5305502—Construction**, Public Water Supply.

Applicant	<b>Austin Borough Waterworks</b>
Township or Borough	Austin Borough
County	<b>Potter</b>
Responsible Official	Mark Jeffers President Borough Council Austin Borough Waterworks 81 Scoville Street P. O. Box 29 Austin, PA 16720
Type of Facility	Public Water Supply—Construction
Consulting Engineer	James Rhoades, Jr., P. E. Project Manager Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Application Received Date	April 13, 2005
Description of Action	Construction of dual media filtration plant. The filtration units will be housed in a new 33 foot by 45 foot single-story building. The area will be graded to divert stormwater runoff away from the filtration building and shall be enclosed by a fence for security.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

##### **Permit No. 0389502-A4**, Public Water Supply.

Applicant	<b>South Buffalo Township Municipal Authority</b> 382 Iron Bridge Road Freeport, PA 16229
Township or Borough	South Buffalo Township
Responsible Official	Alan Marker, Chairperson South Buffalo Township Municipal Authority, 382 Iron Bridge Road Freeport, PA 16229
Type of Facility	Water treatment plant

Consulting Engineer Senate Engineering Company  
U-PARC  
420 William Pitt Way  
Pittsburgh, PA 15238

Application Received Date April 4, 2005

Description of Action Addition of disinfection facilities into the existing distribution system.

**Permit No. 1185501-A5, Public Water Supply.**

Applicant **Highland Sewer & Water Authority**  
120 Tank Drive  
Johnstown, PA 15904

Township or Borough Summerhill Township

Responsible Official Edward Englehart, Manager  
Highland Sewer & Water Authority  
120 Tank Drive  
Johnstown, PA 15904

Type of Facility Beaverdam water treatment plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date April 6, 2005

Description of Action Installation of a potassium permanganate chemical feed to the raw water within the treatment plant.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Application No. 4605503, Minor Amendment.**

Applicant **Superior Water Company, Inc.**

Township New Hanover

Responsible Official Robert Braglio  
2960 Skippack Pike  
Worcester, PA 19490

Type of Facility PWS

Consulting Engineer N/A

Application Received Date April 15, 2005

Description of Action Construction of a 410,000 gallon concrete storage tank to replace ten existing 10,000 gallon steel storage tanks.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Application No. Minor Amendment.**

Applicant **Lehigh County Authority**

Township or Borough Heidelberg and Washington Townships  
**Lehigh County**

Responsible Official Aurel M. Arndt, General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106-0348  
(610) 398-2503

Type of Facility Community Water System

Consulting Engineer N/A

Application Received Date March 30, 2005

Description of Action Application for transfer of Mill Creek Water Company, PWS Permit No. 3972509, from C & H Development Co. to Lehigh County Authority.

**Application No. Minor Amendment.**

Applicant **Borough of Catasauqua**

Township or Borough Borough of Catasauqua  
**Lehigh County**

Responsible Official Eugene L. Goldfeder, Borough Manager  
118 Bridge Street  
Catasauqua, PA 18032  
(610) 264-0571

Type of Facility Community Water System

Consulting Engineer Kirt L. Ervin, P. E.  
U. S. Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249  
(314) 614-9120

Application Received Date April 4, 2005

Description of Action Application for renovation and repair of an existing 400,000 gallon storage tank.

**Application No. Minor Amendment.**

Applicant **Lehigh County Authority**

Township or Borough Lower Milford Township  
**Lehigh County**

Responsible Official Aurel M. Arndt, General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106-0348  
(610) 398-2503

Type of Facility Community Water System

Consulting Engineer N/A

Application Received Date April 4, 2005

Description of Action Application for transfer of Beverly Hills Water Company, Inc., PWS Permit No. 3974501, to Lehigh County Authority.

## WATER ALLOCATIONS

### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA30-587E**, Water Allocations, **Southwestern Pennsylvania Water**, P. O. Box 187, Jefferson, PA 15344, **Greene County**. The applicant is requesting the right to expand their service area into West Bethlehem Township, Washington County.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 10-1008**, Water Allocation, **Zelienople Borough**, 111 West New Castle Street, Zelienople, PA 16063, **Zelienople Borough, Butler County**. Subsidiary application request for interconnection with Marion Township, Beaver County, for the purchase of water as an emergency backup source.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Marcus Foster Memorial Stadium**, City of Philadelphia, **Philadelphia County**. Mark Warchol, Powell~Harpstead, 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooen, School District of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by PAH and leads. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Weekly* on March 23, 2005.

**Cedar Hollow Quarry**, East Whiteland Township and Tredyffrin Township, **Chester County**. Michael Gonshor, Roux Assoc., Inc. on behalf of Jeffrey Goggins, Atwater 12 LP, 101 W. Elm St., Suite 400, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted by chlorinated solvents. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on March 15, 2005.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**NGK Metals Corporation**, Muhlenberg Township, **Berks County**. MECX LLC, 9189 Red Ranch Road, Columbia, MD 21045-2013 on behalf of NGK Metals Corporation, 917 U.S. Highway 11 South, Sweetwater, TN 37874 and Entact Environmental Services, 1250 Virginia Drive Suite, 1000, Fort Washington, PA 19034 submitted a Notice of Intent to Remediate site-soils contaminated with beryllium and iron. The applicant seeks to remediate the site to a Statewide health standard. Future use of the property is anticipated to remain that of a railroad.

**Armstrong World Industries**, Lancaster City, **Lancaster County**. SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Armstrong World Industries, 313 Liberty Street, Lancaster, PA 17604, submitted a Notice of Intent to Remediate site soils contaminated with vinyl chloride and groundwater contaminated with VOCs and PAHs. The applicant seeks to remediate the site to a Statewide health standard. Future intended use of the property will be an asphalt parking lot.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*



**Municipal Authority of the Borough of Catawissa Building.** Catawissa Township, **Columbia County.** GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate soil, contaminated with petroleum hydrocarbons. This site is being remediated to meet a Statewide health standard.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

##### *Renewal Applications Received*

**Sterilogic Waste Systems, Inc.,** 6691 Pickard Drive, Syracuse, NY 13211. License No. PA-HC 0208. Received on April 4, 2005.

**Bio-Haz Solutions, Inc.,** 805 Blakeslee Blvd. Dr. E., P. O. Box 152, Lehighton, PA 18235. License No. PA-HC 0191. Received on April 8, 2005.

##### *New Applications Received*

**Bio-Team Mobile, LLC,** 6 East Kendig Road, Willow Street, PA 17584. Received on April 1, 2005.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101662. Conshohocken Rail LLC,** 1060 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County.** This application is a major permit modification for a Radiation Monitoring Action Plan for the transfer facility located in Plymouth Township, Montgomery County. The application was received by the Southeast Regional Office on April 15, 2005.

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No 101611. Berks Transfer Facility Ontelaunee Township, Berks County.** The permit modification approves the Phase II construction of the transfer building and an increase in the amount of waste received at the facility. Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be

submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

#### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejksznier, New Source Review Chief, (570) 826-2531.*

**45-310-014A: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for installation of a an air cleaning system (dust suppression system replacement) to control the particulate emissions from a stone crushing plant at their 209 Enterprises facility in Smithfield Township, **Monroe County**.

**40-303-023: Popple Construction, Inc.** (202 Main Street, Laflin, PA 18702) for construct of a batch asphalt plant and associated air cleaning device at their facility in Plains Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05090A: Hershey Foods Corp.—Y and S Candies, Inc.** (400 Running Pump Road, Lancaster, PA 17603) for construction of a new fabric collector at their candy manufacturing facility in East Hempfield Township, **Lancaster County**.

**36-02004A: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) for a VOC Reasonably Available Control Technology evaluation and the addition of an emission limitation at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00235E: Pennsylvania Power Co.** (P. O. Box 128, Shippingport, PA 15077) for Alternative Opacity Limit for Bruce Mansfield Units Nos. 1—3 at their Bruce Mansfield Plant in Shippingport Borough, **Beaver County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**AMS 05038: Kinder Morgan Liquid Terminals** (3300 North Delaware Avenue, Philadelphia, PA 19134) for installation of a floating roof in Tank 163 in Philadelphia, **Philadelphia County**.

**AMS 05046: Sunoco Inc.—R and M** (3144 Passyunk Ave, Philadelphia, PA 19145) for modification of Fluid Catalytic Cracking Unit 868 in Philadelphia, **Philadelphia County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) for installation of a boiler at their USX Industrial Park in Falls Township, **Bucks County**. This facility is a Title V facility. This installation is to replace previously approved two larger boilers. This replacement will not result in any emission increases. The new boiler is limited to 7,000 annual operating hours. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**45-310-014A: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for replacement of an existing water spray dust suppression system at their 209 Enterprises stone crushing plant at Smithfield Township, **Monroe County**. This facility is not a Title V facility. No additional emissions will result from the replacement. The stone crushing plant in the operation is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source, control equipment and facility operating within all applicable air quality requirements.

**48-313-094: Polymer Products Co., Inc.** (100 Station Avenue, P. O. Box 98, Stockertown, PA 18083) for installation of a two-stage wet scrubber system on the processes at their facility in Stockertown Borough, **Northampton County**. This facility is not a Title V facility. The scrubber is being installed to control malodors from their processes. No additional emissions will result from the installation. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source, control equipment and facility operating within all applicable air quality requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**AMS 03321: Sungard Recovery Services** (401 North Broad Street, Suite 600, Philadelphia, PA 19108) for installation of three 2,036 kW and one 2,060 kW emergency generators with diesel reciprocating engines in Philadelphia, **Philadelphia County**. The allowable NOx emission is restricted to less than 25 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**V95-004: Exelon Generating Co.—Delaware Generating Station** (1325 North Beach Street, Philadelphia, PA 19125) for removal of two 1,188 mmBtu/hr boilers from the operating permit. The operating permit was originally issued December 28, 2001.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 21 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## OPERATING PERMITS

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05009: Department of the Army** (201 Beasley Drive, Fort Detrick, MD 21702-5029) for operation of a defense activities facility at their Raven Rock Mountain Complex in Liberty Township, **Adams County**. The

facility is a major source that primarily emits NOx. The Title V Operating Permit will contain appropriate emission restrictions, monitoring, recordkeeping, work practice standards, testing and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of their Title V operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00157: T. W. Phillips Gas and Oil Co.** (205 North Main St., Butler, PA 16001) for renewal of a Title V Renewal Operating Permit for their Kinter Compressor Station operating in Rayne Township, **Indiana County**.

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue their Title V Operating Permit.

The Kinter Compressor Station is primarily used for the distribution of natural gas. As a result of the levels of NOx emitted, Kinter is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V Permitting requirements in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons who wish to either object to the issuance of this Title V Renewal Operating Permit or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the following address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Written comments must contain the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed permit (specify permit No. 32-00157)
3. Concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, when the Department determines notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Mark Wayner, P. E., Acting Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. For additional information contact Francis D. Condrick at the previous address.

*Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**V05-001: Exelon Generation Co.—Southwark Generating Station** (2501 South Delaware Avenue, Philadelphia, PA 19148) in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four combustion turbines rated at 233 mmBtu/hr each.

The operating permit will be issued under 25 Pa. Code and Philadelphia Code Title 3 and Air Management

Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons who wish file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdon Brown, Facilities Permitting, (484) 250-5920.*

**15-00049: Taylor Industries, Inc.** (35 Anderson Rd., Parker Ford, PA 19457) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in East Coventry Township, **Chester County**. The facility's primary emission sources are two Gelcoat Spray Booths, five mixers, a casting (molding) area and two resin storage tanks (capacity 4,500 gallons each). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05020: Craft Maid Kitchens, Inc.** (501 South Ninth Street, Reading, PA 19602) for operation of their wooden furniture manufacturing facility in the City of Reading, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the emissions to less than the Title V thresholds during any consecutive 12-month period. The surface coatings will be limited to the amount of VOC they contain. The permit will include restriction, monitoring, testing, work practices, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**06-05098: Troutman Industries, Inc.** (2201 Reading Avenue, West Lawn, PA 19609) for operation of their hard and decorative chrome plating operation in Spring Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the emissions from the facility to less than the Title V thresholds. The facility will have a production limit based on power consumption by the plating operation. The permit will include restrictions, monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**19-00025: Ciba Specialty Chemicals Corp.** (920 Seventh Avenue, Berwick, PA 18603) for operation of a starch modification facility in Berwick Borough, **Columbia County**.

The facility incorporates a natural gas-fired starch dryer and various pieces of starch conveying, handling and processing equipment as well as two small natural gas-fired boilers, a parts washer, a number of natural gas-fired space heaters and several aboveground storage tanks. The particulate matter emissions from the facility are controlled by seven fabric collectors and a cyclone collector. The resultant air contaminant emissions from the facility are not expected to exceed 22.55 tons of particulate matter (including PM<sub>10</sub>), 5.72 tons of NO<sub>x</sub>, 4.81 tons of CO, .035 ton of SO<sub>x</sub> and .33 tons of VOCs in any 12-consecutive month period.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to the emission of air contaminants as well as the conditions previously established in Plan Approvals 19-399-011 and 19-399-011A and Operating Permit 19-399-011A. These previously-established conditions include conditions requiring the use of the facility's seven fabric collectors and cyclone to control the particulate matter emissions from the starch modification processing equipment, conditions limiting the particulate matter emissions in the exhaust of the fabric collector controlling the facility's dryer and the fabric collector controlling two baggers, a hopper, and two augers to .02 grain per dry standard cubic foot of effluent gas volume and a condition requiring that spare fabric collector bags be kept on hand.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**65-00972: Tank Solutions** (300 Crescent Street, Scottdale, PA 15683) for operation of refurbishing gas cylinders at their facility in East Huntingdon Township, **Westmoreland County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

#### *Effluent Limits*

The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a

precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas

disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**17941601 and NPDES Permit No. PA0215708, Forcey Coal, Inc.,** (P. O. Box 225, Madera, PA 16661), to renew the permit for the Tipple Operation in Bigler Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received February 24, 2005.

**03901304 and NPDES Permit No. PA02124531, TJS Mining, Inc.,** (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the Darmac No. 3 Deep Mine in Plumcreek Township, **Armstrong County** to use coal ash for mine reclamation. No additional discharges. Application received April 4, 2005.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56050103 and NPDES No. PA0249769. PBS Coals, Inc.,** P. O. Box 260, Friedens, PA 15541, operation of a bituminous surface mine in Shade Township, **Somerset County**, affecting 43.8 acres. Receiving stream: Coal Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 31, 2005.

**56990104 and NPDES No. PA0235181. AMFIRE Mining Co., LLC,** One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface-auger mine in Jenner Township, **Somerset County**, affecting 140.0 acres. Receiving streams: UNTs to and Gum Run; UNTs to and Roaring Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Dam Withdrawal. Application received April 8, 2005.

**56050104 and NPDES No. PA0249777. Berwind Coal Sales Company,** 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface, auger mine in Paint Township, **Somerset County**, affecting 141.0 acres. Receiving stream: Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2005.

*Greensburg District Mining Office: R. R. 2, Box 603C, Greensburg, PA 15601, (724) 925-5500.*

**03030102 and NPDES Permit No. PA0250350. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Revision application for 32 additional acres to an existing bituminous surface mine, located in East Franklin and Sugarcreek Townships, **Armstrong County** affecting 256.5 acres. Receiving streams: Long Run and UNTs to Long Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: April 13, 2005.

**26870107 and NPDES Permit No. PA0589802. David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Revision application for the addition of 18 acres to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 100 acres. Receiving streams: UNTs to Jacobs Creek, classi-

fied for the following use: WWF. The first potable water supply intake within 10 miles downstream from the point of discharge: Masontown Borough Municipal Authority. Revision application received: April 15, 2005.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**33020107 and NPDES Permit No. PA0242233. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to a post-mining land use of pastureland on the Robert H. Beatty, Jr. property in Oliver Township, **Jefferson County** affecting 138.7 acres. Receiving streams: Hadden Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 11, 2005.

**24990102 and NPDES Permit No. PA 0241580. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and auger mine operation in Fox Township, **Elk County** affecting 136.0 acres. Receiving streams: Limestone Run, one UNT to Limestone Run, and Little Toby Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 11, 2005.

**24673003 and NPDES Permit No. PA0119849. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous strip, auger, and use of a co-product operation in Fox Township, **Elk County** affecting 56.2 acres. Receiving streams: Limestone Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17860122 and NPDES Permit No. PA0115410. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), revision to an existing bituminous surface mine-auger permit for a road variance to conduct mining and support activities within 100 feet of the following township roads: Township Road T-571, Township Road T-567 and Township Road T-567. The permit is located in Lawrence Township, **Clearfield County** and affects 490.5 acres. Receiving streams: UNTs to Wallace Run and Wallace Run and UNTs to Mitchell Run. Application received: March 14, 2005.

**17980118 and NPDES Permit No. PA 0238112. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 193.3 acres. Receiving streams: UNTs 1 and 2 to the West Branch of the Susquehanna River and UNT 3 to Montgomery Creek to the West Branch of the Susquehanna River. Application received: April 5, 2005.

**17980118 and NPDES Permit No. PA 0238112. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface mine permit for a change in acreage from 193.3 to 206.8 acres. Receiving streams: UNTs 1 and 2 to the West Branch of the Susquehanna River and UNT 3 to **Montgomery Creek** to the West Branch of the Susquehanna River. Application received: March 22, 2005.

**17950106 and NPDES Permit No. PA 0220060. Waroquier Coal Company** (P. O. Box 128, Clearfield,

PA 16830). Renewal of an existing bituminous surface mine permit in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving streams: UNT, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received: March 9, 2005.

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**11052801. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Portage Township, **Cambria County**, affecting 2.0 acres. Receiving streams: UNT to Spring Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2005.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**53050801. Brian M. Cowburn** (482 Cowburn Road, Ulysses, PA 16948). Commencement, operation and restoration of a small industrial minerals (shale) permit in Ulysses Township, **Potter County** affecting 5 acres. Receiving streams: UNT to Ludington Run. Application received: March 16, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if

### *Noncoal Applications Received*

#### *Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E07-393: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Holidaysburg, PA 16648 in Antis Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 81 feet on a 63° skew with an underclearance of 9.67 feet across Bells Gap Run (TSF) and associated improvements on SR 4015, Section 001 to improve the traffic safety condition of the road located in the Village of Roots (Bellwood, PA Quadrangle N: 19.9 inches; W: 15.8 inches) in Antis Township, Blair County.

**E22-434: Borough of Steelton**, 123 Front Street, Steelton, PA 17113 in Borough of Steelton, **Dauphin County**, ACOE Baltimore District.

To remove an existing boat launching ramp and then to construct and maintain a new boat launching ramp, a boat mooring ramp and a fishing ramp at the channel of a club house and its associated parking lots and walkways and other associated improvements within the left bank's floodway and floodplain of the Susquehanna River (WWF) located immediately downstream of the Pennsylvania Turnpike (I-76) bridge (Steelton, PA Quadrangle N: 15.15 inches; W: 7.1 inches) in Steelton Borough, Dauphin County.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-891-A1. ELG Metals, Inc.**, 369 River Road, P. O. Box 369, McKeesport, PA 15132-0369. To maintain a barge docking facility in the City of McKeesport, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 18.9 inches; W: 0.1 inch and Latitude: 40° 21' 15"—Longitude: 79° 52' 30"). The applicant proposes to amend Permit Number E02-891 which authorized the construction and maintenance of a barge docking facility consisting of an anchored barge and two concrete retaining wall along the right bank of the Monongahela River (WWF), near River Mile 15.8 near the mouth of the Youghiogheny River. This amendment will authorize the operation and maintenance of a 180' long sheet pile wall, which was constructed to replace the failed anchored barge. The total impact to the Monongahela River is 180' of sheet pile wall.

**E26-323. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51C of the Mon/Fayette Expressway in Menallen Township, **Fayette County**, Pittsburgh ACOE District. The applicant proposes:

1. A 288 foot long 78 inch diameter RCP stream enclosure pipe culvert across Fays Run (WWF) located at station 272+42 SR 43 (New Salem, PA Quadrangle N: 13.37 inches; W: 3.89 inches and Latitude: 39° 56' 55"—Longitude: 79° 46' 40"). This project includes a channel relocation for a length of 55 feet.

2. A 255 foot long, 72 inch RCP stream enclosure in a UNT to Salt Lick Run (WWF) located at Station 26+50 SR 4010 (New Salem, PA Quadrangle N: 14.73 inches; W: 7.36 inches and Latitude: 39° 57' 22"—Longitude: 79° 48' 9"). This project includes a channel relocation for a length of 196 feet.

3. A cast in place extension of 12 linear feet of an existing box culvert having a span of 5 feet and a height of 4 feet in a UNT to Salt Lick Run (WWF) located at station 304+98 SR 40 (New Salem, PA Quadrangle N: 14.38 inches; W: 7.47 inches and Latitude: 39° 57' 15"—Longitude: 79° 48' 12").

4. The project will impact 0.27 acre of PEM wetlands.

**E26-324. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51D of the Mon/Fayette Expressway in Menallen and Redstone Townships, **Fayette County**, Pittsburgh ACOE District. The applicant proposes:

1. A 761-foot long, 6.5 foot diameter RCP stream enclosure in a UNT to Franklin Lake Reservoir (WWF) located at Station 417+50, SR 43. (New Salem, PA Quadrangle N: 18.41 inches; W: 9.30 inches and Latitude: 39° 58' 35"—Longitude: 79° 48' 59"). This project includes channel relocation for a length of 25 feet with 95 linear feet of stream bank stabilization.

2. A 45 foot long, 2.5 foot diameter pipe culvert in a UNT to Colvin Run (WWF) located at station 498+17 SR 43. (New Salem, PA Quadrangle N: 20.3 inches; W: 11.90 inches and Latitude: 39° 59' 23"—Longitude: 79° 50' 06"). This project includes relocation of approximately 225 linear feet of the channel of said stream.

3. A 516 foot long 3.5 foot diameter RCP stream enclosure in a UNT to Franklin Lake located at station 376+73 SR 43. (New Salem, PA Quadrangle N: 16.70 inches; W: 7.86 inches and Latitude: 39° 58' 01"—Longitude: 79° 48' 22").

4. A 410 foot long 3.5 foot diameter RCP stream enclosure in a UNT to Franklin Lake located at Station

435+75 SR 43. (New Salem, PA Quadrangle N: 19.02 inches; W: 8.75 inches and Latitude: 39° 58' 47"—Longitude: 79° 48' 45").

5. A 430 foot long, 3.0 foot diameter RCP stream enclosure in a UNT to Fourmile Run (WWF) located at Station 460+65 SR 43. (New Salem, PA Quadrangle N: 19.98 inches; W: 10.34 inches and Latitude: 39° 59' 65"—Longitude: 79° 49' 27").

6. The project will impact 0.717 acre of PEM wetlands.

**E63-571. Eighty Four Development Corporation**, 1600 Route 136, Washington, PA 15301. To excavate and place fill in the floodplain and floodway in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 10.8 inches; W: 3.3 inches and Latitude: 40° 11' 04"—Longitude: 80° 08' 55"). The applicant proposes to excavate and place fill in the floodplain and floodway for a length of 990 feet on the left bank of a UNT to Little Chartiers Creek (HQ-WWF) (Tributary No. 4) for the purpose of constructing the Eighty Four Development located on the south side of SR 136, approximately 500 feet west from the intersection of SR 136 and Mitchell Road.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-406. Springfield Partners, LP**, P. O. Box 449, Mars, PA 16046. Springfield Mannor Planned Residential Subdivision, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle, Latitude: 40° 42' 55"; Longitude: 80° 07' 59").

To eliminate 0.57 acre of PEM wetlands as part of the construction process of the planned residential subdivision located at the intersection of Unionville and Graham School Roads. The permittee is required to provide 0.57 acre of replacement wetlands.

**E42-315. Catalyst Energy, Inc.**, 800 Cranberry Woods Drive, Cranberry Township, PA 16066. UNT to Railroad Run Natural Gas Pipeline Crossing, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle Latitude: 41° 51' 52"; Longitude: 78° 37' 24").

To construct and maintain a 2" diameter natural gas stream crossing of a UNT to Railroad Run (EV) at a point approximately 2,500 feet NNE of the intersection Droney Road and the Baltimore and Ohio Railroad.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E4914-001. Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, Shamokin Creek Flood Protection Project, Borough of Mount Carmel and Mount Carmel Township, **Northumberland County**, ACOE Baltimore District.

The permit is requested for a flood protection project with the following activates associated with the construction of the project in and along approximately 7,740 linear feet (~2.5 acres) of Shamokin Creek (perennial, WWF):

1. The upstream end of the project is on the east end of the Borough of Mount Carmel approximately 620-feet upstream of Pine Street. The upstream end of the project is a debris basin and open channel inlet. A rectangular concrete channel (16 feet wide) will run for 160 linear feet from the debris basin.



2. A 16-foot wide rectangular concrete box culvert will connect the new rectangular concrete channel to an existing concrete box culvert at Pine Street. This culvert will extend for a distance of 485 feet.

3. An existing concrete box culvert runs for a distance of 1,702 linear feet from Pine Street to Locust Street. This culvert was constructed in three sections from 1977 to 1987. Water Obstruction and Encroachment Permits 4977710, ENC49:17 and E49-111 were issued for this existing culvert. The existing culvert will become part of the overall flood protection project.

4. A rectangular concrete channel will be constructed from the existing culvert outlet at Locust Street to the football stadium on the west end of Mount Carmel. The channel will run for a distance of 4,929 linear feet in an overall stream length of 5,393 linear feet. The width of the concrete channel is 20 feet.

5. A precast concrete box culvert will replace the existing bridge at Walnut Street. The box culvert is 75 linear feet long with interior dimensions of 20 feet width and 9 feet high.

6. A precast concrete box culvert will replace the existing bridge at Chestnut Street. The box culvert is 70 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

7. A precast concrete box culvert will replace the existing corrugated metal pipe culvert at Market Street. The box culvert is 80 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

8. A precast concrete box culvert will replace the existing masonry arch culvert at Hickory Street. The box culvert is 101 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

9. The existing concrete box culvert at Vine Street will remain. The invert of this culvert will be paved with concrete for a length of 138 linear feet. The box culvert has interior dimensions of 20 feet wide and a minimum 10 feet high.

The project is located along Shamokin Creek (Mount Carmel, PA Quadrangle N: 8.9 inches, W: 5.5 inches) in the Borough of Mount Carmel and Mount Carmel Township, Northumberland County.

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotope from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.



Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063142	Chrin Brothers, Inc. 635 Industrial Drive Easton, PA 18042	Williams Township Northampton County	UNT of the Lehigh River	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021636 (Sewage)	Fleetwood Borough 110 West Arch Street Suite 104 Fleetwood, PA 19522	Berks County Richmond Township	Willow Creek/3-B	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0030457 Sewage	The Bauman Family Limited Partnership and Wilbur Osterwise Forbes Trail Park & Thorn Run Estates 100 Forbes Trail Drive Export, PA 15632-9614	Westmoreland County Salem Township	UNT to Thorn Run	Y
PA0092860 Sewage	Regina A. Lambie Terrace Acres MHP STP 342 Dunbar Ohiopyle Road Dunbar, PA 15431	Upper Tyrone Township Fayette County	Jacobs Creek	Y
PA0097705 Sewage	Glendale Yearound Sewer Company P. O. Box 89 110 Troxell Spring Road Flinton, PA 16640	Cambria County White Township	Kibler Run	Y
PA0038806 Sewage	Forest Hills Municipal Authority P. O. Box 111 507 Maple Street South Fork, PA 15956-0111	Cambria County Adams Township	Otto Run	Y
PA0091898 Sewage	United Mobile Homes, Inc. 3499 Route 9 North Suite 3C Freehold, NJ 07728	Armstrong County Kiskiminetas Township	UNT of Rattling Run	Y
PA0094404 Sewage	Antiochian Orthodox Christian Archdiocese of North America	Westmoreland County Fairfield Township	UNT of Hendricks Creek	Y

### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0050377**, Industrial Waste, **Lonza Inc.**, 900 River Road, Conshohocken, PA 19428. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated process wastewater into Schuylkill River via Matsunk Creek in Watershed 3F.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0051861**, Sewage, **Penn Sylvan Realty Corporation**, 5028 Camp Road, Mohnton, PA 19540. This proposed facility is located in Brecknock Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT of Rock Run in Watershed 7-J.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0002917-A1**, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. This proposed facility is located in Washington Township, **Armstrong County**.

Description of Proposed Action/Activity: New point source discharge for WWT lagoon accepting leachate from New Residual Waste Landfill.

### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. WQG01210501**, Sewerage, **Jerry Schlusser, Schlusser Banquet Hall**, 55 Campground Road, Carlisle, PA 17013. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/operation of a small flow sewage treatment system to serve the banquet hall.

**WQM Permit No. 3177401, Amendment 05-1**, Sewerage, **Jesus Ministries, Inc.**, R. R. 1, Box 58B, Shirleysburg, PA 17260. This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrade from aeration tank to bio-wheel technology.

**WQM Permit No. 6704412**, Sewerage, **Stewartstown Borough Authority**, 6 N. Main Street, Stewartstown, PA 17363. This proposed facility is located in Hopewell Township, **York County**.

Description of Proposed Action/Activity: Replacement of dual submersible grinder pumps within the Oak Hill Pump Station with dual suction lift pumps.

**WQM Permit No. 3605403**, Sewerage, **Millersville Sewer Authority**, 10 Colonial Avenue, Millersville, PA 17551. This proposed facility is located in Millersville Borough, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of the Lafayette Place Pumping Station.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 1704403**, Sewerage 4952, **Clearfield Borough**, 6 South Front Street, Clearfield, PA 16830. This proposed facility is located in Clearfield Borough, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of approximately 75,719 lineal feet of sanitary sewers, manholes and appurtenances throughout Clearfield Borough.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0304201**, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. This proposed facility is located in Washington Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction of industrial waste treatment facilities.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2505401**, Sewerage, **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509-5459. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities consisting of sewer extensions, three pump stations and force main. This project will extend public sewers to existing private residences and commercial establishments currently served by on-lot and private sewage treatment plants. Ultimate disposal is at the City of Erie wastewater treatment plant.

**WQM Permit No. WQG018361**, Sewerage, **Edward H. and Patricia T. Erdos**, P. O. Box 71, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504032	Roger Evans, Jr. Elk Ridge Subdivision 135 Watson Mill Road Landenberg, PA 19350	Chester	Lower Oxford Township	McDonald Run (HQ-TSF-MF)
PAI011504070	Zook Molasses Company Zook Molasses Building Expansion 4960 Horseshoe Pike Honey Brook, PA 19344	Chester	Honey Brook Township	UNT West Branch Brandywine Creek (HQ-TSF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504093	Kutz Builders Walters Tract Lot 2 1001 Cadmus Road Pottstown, PA 19465	Chester	North Coventry Township	Schuylkill River (HQ)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030604004	Central Penn Property Services	Berks	Robeson Township	Hay Creek/EV
PAI032904001	Crystal Spring, LLC	Fulton	Brush Creek Township	Brush Creek/CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041804005	Department of Transportation Engineering Dist. 2-0 1924-30 Daisy St. Clearfield, PA 16830	Clinton	Renovo Borough	Paddy Run EV-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056305001	Joseph DeNardo 3625 Washington Pike Rd. Bridgeville, PA 15017	Washington	North Strabane Township	Little Chartiers Creek (HQ)

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## **VII. Approvals to Use NPDES and/or Other General Permits**

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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### **List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Telford Borough Bucks County	PAG2000905030	Met-Pro Corporation Met-Pro Land Development 700 Emien Way Telford, PA 18960	UNT Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000903144	Stone Foundation, LLC Turner Tract P. O. Box 486 Stockton, PA 08559	Lahaska Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000905010	BCMA Quakertown, Inc. GAF Materials Corporation 60 Pacific Drive Quakertown, PA 18951	UNT Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG2002305013	Matopos 2005 Associates, LP 832 Germantown Pike Suite 5 Plymouth Meeting, PA 19426	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Borough Delaware County	PAG2002304040	Newlin Homes 1657 Warpath Road West Chester, PA 19382	UNT Harvey Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002303009	Bala Investments, Inc. 321 Valley Forge Road Devon, PA 19333	Marcus Hook Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Brecknock Township Berks County	PAG2000604090	Ciro Nessuno 161 Gebharts School Road Mohnton, PA 19540	Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000605027	Darryl Shoff Advanced Real Estate Group, LLC 2300 N. 5th Street Reading, PA 19605	Schuylkill River WWF, MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000605029	Brian Reckley Automated Distributing, Inc. 636 Mount Laurel Avenue Temple, PA 19560	Laurel Run WWF, MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Amity Township Berks County	PAG2000605030	Bryan Hunsberger Tevil Corporation 528 Main Street Harleysville, PA 19438	UNT to Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Rockland Township Berks County	PAG2000605026	Fredrick Fenstermacher 43 Smoketown Road Mertztown, PA 19539	Saony Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Colebrookdale Township Berks County	PAG2000605031	Dennis Malley Fred Beans Ford of Boyertown Route 100 North Boyertown, PA 19512	Swamp Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Berwick Township Adams County	PAR100156	Ron Noble B & D Development 605 Gitts Run Rd. Hanover, PA 17331	UNT to South Branch Conewago Creek	Stefani Pililis Adams County Conservation District (717) 334-5171
Cumberland Township	PAG2000105009	Wayne Hill Marsh Hill Development Co., Inc. 224 Baltimore St. Gettysburg, PA 17325	UNT to Rock Creek WWF	Stefani Pililis Adams County Conservation District (717) 334-5171
Carroll Valley Adams County	PAG2000105003	Department of Transportation District 8-0 Jon Ullring 2140 Herr St. Harrisburg, PA 17103	Tom's Creek WWF	Stefani Pililis Adams County Conservation District (717) 334-5171
Broad Top Township Bedford County	PAG2000505003	Broad Top Township P. O. Box 57 Defiance, PA 16633	UNT to Shreves Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 928-5253
Clearfield County Bradford Township	PAG2001705005	New Enterprise Stone & Lime, Inc. P. O. Box 77 New Enterprise, PA 16664	Abes Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Columbia County Bloomsburg Town	PAG2001905002	Bloomsburg University Colin Reitmeyer 400 E. Second St. Bloomsburg, PA 17815	Nealy Run CWF	Columbia County Conservation District 702 Sawmill Rd., Suite 204 Bloomsburg, PA 17815 (570) 784-1310

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montour County Mahoning Township	PAG2004704001	Geisinger System Sources 100 N. Academy Ave. Danville, PA 17822	Mahoning Creek CWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Northumberland County Coal Township	PAG2004905003	Industrial Park Road Coal Township, PA 178966	Quaker Run CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Allegheny County Mt. Lebanon	PAG2000203036	John Kauper 85 Iroquois Drive Pittsburgh, PA 15228	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County West Deer Township	PAG2000204120	Gigliotti-Sirera & Associates, LLC 11279 Perry Highway Suite 509 Wexford, PA 15090	Deer Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Indiana Township	PAG2000205008	Forest View Associates, LLC 1046 Pittsburgh Street Springdale, PA 15144	Little Deer Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000205010	Baptist Home Society 489 Castle Shannon Blvd. Pittsburgh, PA 15234	Scrubgrass Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205011	DiDio Realty LP 10101 Saltsburg Road Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Municipality of Monroeville	PAG2000205013	Municipality of Monroeville 2700 Monroeville Blvd. Monroeville, PA 15146	Turtle Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000205015	Bell Container Company 697 Millers Run Road P. O. Box 294 Cuddy, PA 15031	Millers Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Municipality of Monroeville	PAG2000205019	Monroeville Municipal Authority 4185 Old William Penn Highway Monroeville, PA 15146	Turtle Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000205020	Richland Zamagias, LP The Times Building 336 Fourth Avenue Pittsburgh, PA 15222	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000205029	William Slater II 301 Virginia Avenue Pittsburgh, PA 15211	Whiskey Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Elizabeth Township	PAG2000205033	CAR-McP, Inc. P. O. Box 221 Bridgeville, PA 15017	Wylie Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000205034	Beams Run LTC P. O. Box 18761 Pittsburgh, PA 15236	Peters Creek (TSF)	Allegheny County CD (412) 241-7645
Beaver County North Sewickley Township	PAG2000403014	Brian Wright 134 Glendale Road Beaver Falls, PA 15010	UNT to Bennett's Run (WWF)	Beaver County CD (724) 378-1701

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Beaver County Bridgewater Borough	PAG2000405017	James Palmer Beaver County Corporation for Economic Development 250 Insurance Street Beaver, PA 15009	Ohio River (WWF)	Beaver County CD (724) 378-1701
Cambria County Allegheny Township	PAG2001105003	Cambria County Commissioners 200 South Center St. Ebensburg, PA 15931	Beaverdam Run (CWF)	Cambria County CD (814) 472-2120
Somerset County Somerset Township	PAG20056040021	Department of Transportation 1620 North Juniata St. Hollidaysburg, PA 16648	Kimberly Run (CWF)	Somerset County CD (814) 445-4652
Somerset County Jenner Township	PAG2005605002	Deweld Industries Corp. 668 North Sheridan St. Johnstown, PA 15906	UNT to Quemahoning Creek (CWF)	Somerset County CD (814) 445-4652
Butler County Connoquenessing Township	PAG2001005001	Shannon Mills Estates Scott Martin	UNT to Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Adams and Middlesex Townships	PAG2001005002	Meredith Glen Estates Meredith Properties LLC 147 Link Road Slippery Rock PA 16057	UNT to Glade Run WWF	Butler County Conservation District (724) 284-5270
Erie County Summit Township	PAG2002505006	Joseph Palermo 3435 West Lake Rd. Erie, PA 16505	UNT Walnut Creek	Erie County Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002505008	Scott's Dev. Co. Nicholas Scott 8040 Peach Street Erie, PA 16509	4-Mile Creek WWF	Erie County Conservation District (814) 825-6403
Lawrence County City of New Castle	PAG2003705002	Greystone Group 360 Corporatte Circle 30050 Chargin Blvd. Pepper Pike, OH 44124	UNT to Shenango River	Lawrence County Conservation District (724) 652-4512

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delmar Township Tioga County	PAR804854	Casella Waste Management of Pennsylvania, Inc. Wellsboro Area Transfer Station P. O. Box 35 Wellsboro, PA 16901	Marsh Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Quemahoning Township Somerset County	PAR606158	Kantner Iron and Steel, Inc. 365 Bassett Road Hooversville, PA 15936	Stoneycreek River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Hanover Township Montgomery County	PAG040027	Michael Cleary 2112 Ridge Way East Greenville, PA 18041	Macoby Creek Branch Watershed 3E-Perkiomen	Southeast Regional Office 2 East Main Street Norristown, PA 19401

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Cumberland County Lower Frankford Township	PAG043724	Jerry Schlusser Schlusser's Banquet Hall	UNT Conodoguinet Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Westmoreland County Mt. Pleasant Township	PAG046208	Evelyn Waugaman R. D. 1, Box 58B Acme, PA 15610	Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township, Erie County	PAG049153	Edward H. and Patricia T. Erdos P. O. Box 71 Edinboro, PA 16412	UNT to Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township, Erie County	PAG048348	John A. Mattson 750 Langdon Road Erie, PA 16509-6706	UNT to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Mead Township, Crawford Coutny	PAG048355	Harold F. Mumau 9833 Tamarack Drive Meadville, PA 16335	UNT to Little Sugar Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Bensalem Township Bucks County	PAG050067	Sunoco, Inc. (R & M) 20/10 Penn Center 1801 Market Street Philadelphia, PA 19107	UNT to Poquessing Creek 2F Neshaminy	Southeast Regional Office 2 East Main Street Norristown, PA 19401
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*General Permit Type—PAG-8*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Franklin County Hamilton Township	PAG083587	Chambersburg Borough 100 South 2nd Street Chambersburg, PA 17201	John Yeager Farm Hamilton Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Franklin County Peters and St. Thomas Townships	PAG083587	Chambersburg Borough 100 South 2nd Street Chambersburg, PA 17201	J. Robert Meyers Farm 72A St. Thomas Township and Peters Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Franklin County St. Thomas Township	PAG083587	Chambersburg Borough 100 South 2nd Street Chambersburg, PA 17201	Jay Burkholder Farm St. Thomas Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707



*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Berks County  
Oley TownshipPAG080002  
PAG080003  
PAG080006  
PAG080008  
PAG082201  
PAG082203  
PAG083501  
PAG083502  
PAG083506  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083825  
PAG089903  
PAG089904  
PAG089905Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160Earl Hafer Farm  
Oley Township  
Berks CountyDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707Franklin County  
Antrim Township

PAG083579

Waynesboro Borough  
57 E. Main Street  
Waynesboro, PA 17268Gayman Grain  
Storage Farm  
Antrim Township  
Franklin CountyDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707*General Permit Type—PAG-9 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Berks County  
Maxatawny  
TownshipPAG090001  
PAG093517Earthcare Septic Service  
and Fishers Sanitary Service  
623 Kohler Road  
Kutztown, PA 19530Daniel Delong Farm  
Maxatawny Township  
Berks CountyDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707*General Permit Type—PAG-12**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Lancaster County  
West Lampeter  
Township

PAG123586

Joe Sweeney  
Rocky Knoll Farm  
1266 Gypsy Hill Road  
Lancaster, PA 17602UNT Big Spring  
Run/WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790.*

**Operations Permit** issued to: **Factoryville-Bunker Hill Water Company**, 4 Wilson Street, Factoryville, PA 18419 (PWSID 2660018) Clinton Township, **Wyoming County** on April 5, 2005, for the operation of facilities approved under construction permit No. N/A.

**Operations Permit** issued to: **Lehigh County Authority, Central Lehigh Division**, P. O. Box 3348, Allentown, PA 18016 (PWSID 3390073) Upper Macungie Township, **Lehigh County** on April 11, 2005, for the operation of facilities approved under construction permit No. Minor Amendment of December 22, 2004.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 (PWSID 2350004) South Abington Township, **Lackawanna County** on April 11, 2005, for the operation of facilities approved under construction permit No. N/A.

**Operations Permit** issued to: **Brighten at Julia Ribaldo**, 1404 Golf Park Drive, Lake Ariel, PA 18436 (PWSID 2640046) Lake Township, **Wayne County** on April 13, 2005, for the operation of facilities approved under construction permit No. N/A.

**Operations Permit** issued to: **Bonham Nursing Center**, 477 Bonnieville Road, Stillwater, PA 17878 (PWSID 2400024) Huntington Township, **Luzerne County** on April 12, 2005, for the operation of facilities approved under construction permit No. 4089527-A1.

**Operations Permit** issued to: **Jackson Perry**, 1703 Panther Valley Road, Pine Grove, PA 17963 (PWSID 5405501) Wayne Township, **Schuylkill County** on April 13, 2005, for the operation of facilities approved under construction permit No. N/A.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0603507, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b>
Municipality	Exeter and St. Lawrence Townships
County	<b>Berks</b>
Type of Facility	Application is for the installation of corrosion control treatment facilities for the Glen Alsace Division.
Consulting Engineer	Jeff C Jessell, P. E. Pennsylvania American Water 4 Wellington Boulevard Wyomissing, PA 19610
Permit to Construct Issued:	4/14/2005

**Operations Permit** issued to: **Department of Conservation and Natural Resources**, 7670801, Warrington Township, **York County** on 4/14/2005 for the operation of facilities approved under Construction Permit No. 6702502.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 5787501-T1—Transfer Public Water Supply.**

Applicant	<b>Guardian Elder Care at Forksville, LLC</b>
Township or Borough	Elkland Township
County	<b>Sullivan</b>
Responsible Official	Raymond L. Calhoun Guardian Elder Care at Forksville, LLC R. R. 1, Box 1116 Forksville, PA 18616
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	4/13/05
Description of Action	Transfer of Darway Elder Care Rehabilitation Center to Guardian Elder Care at Forksville, LLC.

**SEWAGE FACILITIES ACT PLAN APPROVAL****Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reynoldsville Borough	460-5 Main Street Reynoldsville, PA 15851	Jefferson

*Plan Description:* The approved plan provides for the replacement of an existing structurally unsound 10-inch cast iron force main with 1,900 linear feet of 12-inch PVC force main between the 5th Street Pump Station and the Reynoldsville STP. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	York

*Plan Description:* Lynwood Phase II-C, A3-67946-264-2: The plan provide for a 25 lot single-family residential subdivision on 20.3 acres with total proposed sewage flows of 9,600 gpd to be treated by individual on-lot disposal systems. The proposed development is located on the south side of Pin Oak Drive and at the end of Lynwood Drive, just east of Oak Ridge Drive in North Codorus Township, York County. The plan was disapproved because a response has not been received to the Department's "incomplete" letter dated September 9, 2003, requesting additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Windsor Township	2425 Craley Road Wrightsville, PA17368	York

*Plan Description:* Southern Heights, A3-67937-222-2: The plan provided for a seven lot single-family residential subdivision on 13.5 acres with total proposed sewage flows of 2,800 gpd to be treated by individual on-lot disposal systems. The proposed development is located on the north side of Trinity North Road, approximately 500 feet east of Cool Creek Road in Lower Windsor Township, York County. The plan was disapproved because a response was not received to the Department's "incomplete" letter dated January 5, 2004, requesting additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Marcus Foster Memorial Stadium**, City of Philadelphia, **Philadelphia County**. Mark Warchol, Powell~Harpstead, 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School District of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Final Report concerning remediation of site soil contaminated with PAH and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Cedar Hollow Quarry**, East Whiteland Township and Tredyffrin Township, **Chester County**. Michael Gonshor, Roux Assoc., Inc. on behalf of Jeffrey Goggins, Atwater 12 LP, 101 W. Elm St., Suite 400, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ryder Truck Rental**, City of Philadelphia, **Philadelphia County**. John Musco and Sean Damon, Langan Eng. & Environmental Svc., 500 Hyde Park, Doylestown, PA 18901 on behalf of Carrie Anne Vynch, Ryder Transportation Svc., 9751 Blue Grass Rd., Philadelphia, PA has submitted a Final Report concerning remediation of site soil contaminated with lead and other organic. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**440 Monastery Ave. Site**, City of Philadelphia, **Philadelphia County**. Richard S. Werner, P. G., Env. Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401, Phillip Aiello, Phillip Aiello Builders & General Contractor, Inc., 440 Monastery Ave., Philadelphia, PA 19128 has submitted a Final Report concerning remediation of site soil contaminated with unleaded. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**G Street**, City of Philadelphia, **Philadelphia County**. Mark Warchol, Powell~Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School District of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with PAH. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**PWD, NE Water Pollution Control Plant**, City of Philadelphia, **Philadelphia County**. Thomas Maher, Jr., P. G., RETTEW, 3020 Columbia Ave., Lancaster, PA 17603 on behalf of Roy Romano and Dennis Blair, PWD 1101 Market St., Philadelphia, PA 19107-2994 has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH, PCB and pesticides. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Hespell Auto Svc.**, New Britain Borough, **Bucks County**. Jason F. Hanna, Langan Eng. & Env. Svc., 500 Hyde Park, Doylestown, PA 18901 on behalf of Kyle Hespell, 113 W. Hamilton St., Chalfont, PA 18914 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Municipal Authority of the Borough of Catawissa Building.** Catawissa Township, **Columbia County**, GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 has submitted a Final Report concerning soil contaminated with petroleum hydrocarbons. This Final Report is intended to demonstrate attainment of the Statewide Health Standards for soils.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Molycorp Washington Site,** Canton Township, **Washington County**. Alan Shuckrow, Malcolm Pirnie Inc., 1603 Carmody Court, Sewickley, PA 15143 (on behalf of Ray Chermiske, Molycorp, Inc. P. O. Box 469, Questa, NM 87556) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOC and semivolatile organics, metals and cyanide. The report is intended to document remediation of the site to meet the Statewide Health and Site Specific Standards.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Engelhard Corp.** City of Erie, **Erie County**. Joseph Senita P. G., MACTEC Engineering & Consulting, Carnegie Ofc Park, Bldg 4, 700 N. Bell Ave., Suite 200, Pittsburgh, PA 15106, on behalf of Rick Mirth, Engelhard Corp, North Parcel, 1729 East Ave., Erie, PA 16503 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, PAHs and PCBs.. The report is intended to document remediation of the site to meet the Site Specific Standards.

**Engelhard Corporation North Parcel,** City of Erie, **Erie County**. Joseph Senita P. G., MACTEC Engineering & Consulting, Carnegie Ofc. Park, Bldg. 4, 700 N. Bell Ave., Suite 200, Pittsburgh PA 15106 on behalf of Rick Mirth, Engelhard Corp., North Parcel, 1729 East Ave., Erie PA 16503 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, PAHs and PCBs. The report is intended to document remediation of the site to meet the site specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of

concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Hespell Auto Svc.,** New Britain Borough, **Bucks County**. Jason F. Hanna, Langan Eng. & Env. Svc., 500 Hyde Park, Doylestown, PA 18901 on behalf of Kyle Hespell, 113 W. Hamilton St., Chalfont, PA 18914 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 3, 2005.

**1201 W. Chester Pike Site,** West Goshen Township, **Chester County**. Jason Free, RT Env. Svc., Inc., Pureland Ind. Complex, 510 Heron Dr., Suite 306, Bridgeport, NJ 08014 on behalf of Wayne DiFrancesco, White Horse Farms, 184 W. London Grove Rd., West Grove, PA 19390 has submitted a Final Report concerning the remediation of site soil contaminated with BTEX. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 7, 2005.

**Mahoney Prop.,** Lansdowne Borough, **Delaware County**. Martin Liebhardt, Mulry and Cresswell Env., Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of John Mahoney, 268 N. Highland Ave., Lansdowne, PA 19050 has submitted a Final Report

concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report was submitted within 90-days of the release-demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 11, 2005.

**DiDaniele Residence**, Upper Darby Township, **Delaware County**. Ben Haith, P. G., Mulry and Cresswell Env., Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report was submitted within 90-days of the release-demonstrated or attainment of the Statewide Health Standard and was approved by the Department on April 15, 2005.

**Ashwood Dev.**, Plymouth Township, **Montgomery County**. Jan Peter Ilves, P. G., JPI Assoc., Inc., 1532 Haddonfield-Berlin Rd., Cherry Hill, NJ 08003 has submitted a Final Report concerning the remediation of site soil contaminated with pesticide. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 15, 2005.

**148 E. State St.**, Doylestown Borough, **Bucks County**. John Walker, INTEX Env. Group, Inc., 6205 Easton Rd., Pipersville, PA 18947 on behalf of Naomi Plakins, Esq., Plakins Rieffel & Ray PC, 140 E. State St., P. O. Box 1287, Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 15, 2005.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Edward Hatcher Residence**, Lower Allen Township, **Cumberland County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Edward Hatcher, 6 Saint Johns Road, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on April 12, 2005.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**BP Site No. 07014**, Hampton Township **Allegheny County**. James Schenker, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 on behalf of Gail Ferrell, Realty Income Corporation, 220 West Crest Street, Escondido, CA 92025 has submitted a Final Report concerning the remediation of site waste oil, diesel fuel and gasoline contaminated with waste oil, diesel fuel, and gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 28, 2005.

**Friends of the Riverfront**, City of Pittsburgh **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Jerry Dettore, Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department on March 30, 2005.

**LTV Steel Company, Inc. Coke Plant**, City of Pittsburgh **Allegheny County**. Martin C. Knuth, Civil &

Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Bill Widdoes, ALMONO, LP, c/o RIDC, 423 6th Avenue, Pittsburgh, PA 15219 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Risk Assessment Report and Cleanup Plan were approved by the Department on March 30, 2005.

**Rite Aid (Indiana Site)**, Borough of Indiana, **Indiana County**. Steven R. Vedder, BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline, unleaded gasoline and MTBE. The Final Report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on January 14, 2005.

**Frankstown-Sterrett Plan of Lots—Lot No. 1**, City of Pittsburgh **Allegheny County**. Susan R. Frund, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 on behalf of John Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with VOCs, SVOCs, PCBs and metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 8, 2005.

**Triangle Fastener**, City of Pittsburgh **Allegheny County**. Greg Hilty, Delta Environmental Consultants, Inc., 1418 Brice Road, Suite 205, Reynoldsburg, OH 43068 on behalf of Charles Friday, Partners Investment LP, 1925 Preble Avenue, Pittsburgh, PA 15223 and Tara Popik, Group Environmental Management Co. (A BP Affiliated Company), 4850 East 49th Street, MBC 1, Cuyahoga Heights, OH 44125 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with diesel fuel and leaded gasoline. The Risk Assessment Report was disapproved by the Department on September 3, 2004.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Coleville Storage Tank Fac. OLD**, Keating Township, **McKean County**. Dayne Crowley, MACTEC, Engineering & Consulting, 700 N Bell Ave., Suite 200, Carnegie, PA 15106 on behalf of Harry Perrine, Pennzoil-Quaker State d/b/a Shell Oil Products, US, 260 Elm St., P. O. Box 99, Oil City, PA 16301 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Arsenic, 2-Methylnaphthalene, Bix(2-ethylhexyl)phthalate, naphthalene and crysene. The Final Report was approved by the Department on April 18, 2005.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**Allstate O. R. C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective March 29, 2005.

**Hittman Transport Services, Inc.**, 628 Gallaher Road, Kingston, TN 37763. License No. PA-AH S239. Effective March 31, 2005.

**Elliott Truck Line, Inc.**, P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. PA-AH 0355. Effective April 5, 2005.

**Lionetti Oil Recovery, Inc. d/b/a Lorco**, 450 S. Front Street, Elizabeth, NJ 07202. License No. PA-AH 0567. Effective April 5, 2005.

**Tier DE, Inc.**, 5745 Lincoln Hwy., Gap, PA 17527. License No. PA-AH 0680. Effective April 6, 2005.

**Bethlehem Apparatus Company, Inc.**, P. O. Box Y, 890 Front Street, Hellertown, PA 18055. License No. PA-AH 0681. Effective April 7, 2005.

**Joseph Moving and Storage Company**, P. O. Box 5, Woodland, PA 16881. License No. PA-AH 0390. Effective April 7, 2005.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Fred Heyrich, Inc.**, No. 73 Independence Court, Clifton, NJ 07013. License No. PA-AH 0233. Effective March 29, 2005.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

##### *Renewal Applications Received*

**Sterilogic Waste Systems, Inc.**, 6691 Pickard Drive, Syracuse, NY 13211. License No. PA-HC 0208. Received on April 4, 2005.

**Bio-Haz Solutions, Inc.**, 805 Blakeslee Blvd. Dr. E., P. O. Box 152, Lehighton, PA 18235. License No. PA-HC 0191. Received on April 8, 2005.

##### *New Applications Received*

**Bio-Team Mobile, LLC**, 6 East Kendig Road, Willow Street, PA 17584. Received on April 1, 2005.

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Sterilogic Waste Systems, Inc.**, 6691 Pickard Drive, Syracuse, NY 13211. License No. PA-HC 0208. Effective April 7, 2005.

**Bio-Haz Solutions, Inc.**, 805 Blakeslee Blvd. Dr. E., P. O. Box 152, Lehighton, PA 18235. License No. PA-HC 0191. Effective April 12, 2005.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 301267. Armstrong Power Station, New CCB Landfill, Allegheny Energy Supply Company LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. Operation of a Captive Residual Waste Landfill in Washington Township, **Armstrong County**. Permit issued in the Regional Office on April 18, 2005.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP1-36-03113: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on April 13, 2005, Small Gas and No. 2 Oil Fired Combustion Units under GP1 in East Earl Township, **Lancaster County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0037V: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on April 15, 2005, to operate a gemco dryer in Building 19 in Douglass Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-302-149: Fairchild Semiconductor** (125 Crestwood Road, Mountain Top, PA 18707) on April 12, 2005, to construct a Cleaver Brooks Boiler (natural gas and No. 2 fuel oil fired) at their facility in Wright Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-03049A: AP Green Refractories, Inc.** (R. R. 1, Box 588D, Claysburg, PA 16625) on April 15, 2005, to modify the rotary dryer and No. 2 castable processes and the

replacement of a ball mill and various fabric collectors in Greenfield Township, **Blair County**.

**38-03039A: Martin's Wood Products** (650 Hourtztown Road, Myerstown, PA 17067) on April 12, 2005, to increase their allowable VOC emission limit to 45 tons per year for their facility in Jackson Township, **Lebanon County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**AMS 04315: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141) on March 4, 2005, to install one 800 kW and one 600 kW emergency generators in Philadelphia, **Philadelphia County**.

**AMS04301: Cardone Industries, Inc.** (5501 Whitaker Avenue, Philadelphia, PA 19124) on March 16, 2005, to operate 48 Space Heaters in Philadelphia, **Philadelphia County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0027E: Fres-Co Systems—USA, Inc.** (3005 State Road, Telford, PA 18969) on April 11, 2005, to operate a thermal oxidizer in West Rockhill Township, **Bucks County**.

**09-0027F: Fres-Co Systems—USA, Inc.** (3005 State Road, Telford, PA 18969) on April 14, 2005, to operate three printing stations laminator in West Rockhill Township, **Bucks County**.

**09-0158: Allied Cremation, Inc.** (864 Bristol Pike, Bensalem, PA 19020) on April 11, 2005, to operate a crematory in Bensalem Township, **Bucks County**.

**09-0177: North Penn Polishing and Plating, Inc.** (40 West Park Avenue, Sellersville, PA 18960) on April 15, 2005, to operate a ultra kool degreaser in Sellersville Borough, **Bucks County**.

**15-0115: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) On April 11, 2005, to operate two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

**46-0232A: Cemco Lift, Inc.** (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on April 11, 2005, to operate two spray booths and a manual brush painting in Hatfield Township, **Montgomery County**.

**46-313-057E: Republic Environmental System of PA, Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on April 11, 2005, to operate a hazardous waste TSD in Hatfield Township, **Montgomery County**.

**09-0123: Hanson Aggregates BMC** (P. O. Box 231, Easton, PA 18044) on April 14, 2005, to operate a batch asphalt plant in Nockamixon Township, **Bucks County**.

**46-0037L: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on April 11, 2005, to operate a tantalum flake powder project in Douglass Township, **Montgomery County**.

**46-0112B: Palmer International, Inc.** (P. O. Box 315, Skippack, PA 19474) on April 11, 2005, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

**46-0146A: Republic Environmental System of PA, Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on April 11, 2005, to operate a waste storage tank in Hatfield Township, **Montgomery County**.

**46-0232: Cemco Lift, Inc.** (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on April 14, 2005, to operate a spray paint booth in Hatfield Township, **Montgomery County**.

**46-0018C: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) on April 15, 2005, to operate a lithographic printing press in Upper Hanover Township, **Montgomery County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**32-040B: Reliant Energy Seward, LLC** (121 Champion Way, Canonsburg, PA 15317) on February 10, 2005, to construct a net nominal 521 mW electric generating facility to replace the existing 200 mW Seward Station in East Wheatfield Township, **Indiana County**. This facility has been constructed, however, fuel handling and sizing problems have been experienced since initial startup. Reliant has evaluated these problems and intends to install additional material handling and fuel sizing equipment as a permanent solution. The following changes will be made to Plan Approval 32-00040B so that the new equipment may be accommodated:

- A new source, "No. 108—Phase III Material Handling and Sizing Equipment" will be added to the site inventory table found in Condition No. 3 of the Plan Approval.

- A new condition (No. 15A) will be added that limits PM10 emissions from the Phase III equipment to 11 TPY. Condition No. 15A states, "Emissions from the Phase III Material Handling and Fuel Sizing Equipment (Source No. 108) shall be limited to 11 tons/year of PM10 in any consecutive 12-month period."

- The table in Condition No. 14 will be modified to reflect the change in the facility PM10 emissions from 299 tpy to 310 tpy.

The modification to the Plan Approval does not include the reassessment of a control technology demonstration or ambient impacts of the source.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05016: Grafika Commercial Printing, Inc.** (710 Johnstown Street, Sinking Spring, PA 19608) on April 15, 2005, to operate a printing plant including various types of printing presses in the Borough of Sinking Spring, **Berks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00009: PA Cold Drawn, LLC** (4400 West Fourth Avenue, Beaver Falls, PA 15010) on April 12, 2005, to operate two boilers and metal heat furnaces at their Beaver Falls Plant in Beaver Falls, PA in **Beaver County**.



*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**N04-006: Smurfit Stone Container Corp.—Philadelphia West** (9820 Blue Grass Road, Philadelphia, PA 19114) on November 1, 2004, to operate their corrugated paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two boilers. The facility's air pollution control devices include two cyclones.

**S04-006: Degussa Flavors and Fruit Systems, LLC** (1741 Tomlinson Road, Philadelphia, PA 19116) on December 1, 2004, to operate their flavor manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers. The facility's air pollution control devices include one cyclone.

**S04-008: Riverside Materials, Inc.** (2870 East Allegheny Avenue, Philadelphia, PA 19134) on November 1, 2004, to operate their asphalt paving mixture manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hot mix asphalt drum controlled by a knockout box/baghouse, in addition to a crushing plant and a hot oil heater.

**S04-013: Baum Printing Co.** (9985 Gantry Road, Philadelphia, PA 19115) on November 1, 2004, to operate their offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources are six nonheatset offset sheetfed lithographic printing presses.

**S04-005: Tasty Baking Co.** (2801 Hunting Park Avenue, Philadelphia, PA 19129) on July 2, 2004, to operate their bakery in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include a 15 mmBtu/hr boiler, a boiler limited to 49 mmBtu/hr by a fuel governing device, a 3.3 mmBtu/hr boiler, a 3950 kW cogeneration turbine, two emergency generators and two nonyeast donut fryers.

**S03-007: Regal Corrugated Box** (Adams Avenue and Ashland Street, Philadelphia, PA 19124) on September 1, 2004, to operate their corrugated board manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include a 400 HP boiler and a 500 HP boiler, corrugating, combining, converting and finishing processes, starch and paper handling, and two gasoline tanks with dispensers. The facility's air emission control devices include a cyclone and dust collector.

**S04-004: Septa Berridge—Courtland Maintenance Shop** (200 West Wyoming Avenue, Philadelphia, PA 19140) on December 1, 2004, to operate their transit maintenance shop. The facility's air emission sources include two 300 HP boilers, two 150 HP boilers, three less than 1 mmBtu hot water heaters, four spray booths, twospray booth heaters, three parts washers and three sheet-fed, offset lithographic presses.

**N04-004: Deer Meadows** (8301 Roosevelt Boulevard, Philadelphia, PA) on January 20, 2005, to operate their residential care and nursing home in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include seven boilers at 5.5 mmBtu/hr or less that burn natural gas or No. 2 fuel oil and two emergency generators that burn No. 2 fuel oil.

**S04-002: M. A. Bruder and Sons** (52nd and Grays Avenue, Philadelphia, PA 19143) on February 23, 2005, to manufacture paint for retail and commercial sales in the

City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one boiler, ball mills, let-down tanks, blend tanks, and mixers. The facility's air emission control devices are baghouses.

**V04-001: The Lawrence McFadden Co.** (7430 State Road, Philadelphia, PA 19136) on March 21, 2005, to operate their industrial wood finish manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include two boilers, solvent storage tanks and mixers.

**V04-005: Cardone Industries, Inc.** (5501 Whitaker Avenue, Philadelphia, PA) on April 11, 2005, to operate their automotive parts remanufacturing facility in the City of Philadelphia, **Philadelphia County**. The company's air emission sources include 14 spray booths, 50 combustion units, 15 burnout ovens, 40 cold cleaning degreasers and 10 shot blasting units.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00015: Rohm and Haas Co.** (200 Route 413, Bristol, PA 19007) on April 14, 2005, to modify the operation of boilers 7 and 8 in Bristol Township, **Bucks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**14-00014: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 13, 2005, via administrative amendment, to incorporate conditions established in Plan Approval 14-00014A for the use of No. 5 fuel oil, No. 6 fuel oil and recycled/reprocessed oil in the facility's asphalt plant and for several new pieces of stone and recycled asphalt pavement processing equipment at their Pleasant Gap Plant in Spring Township, **Centre County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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*Coal Permits Actions*

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-7100.*

**30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP** (212 Mine Road, Route 218 South, P. O. Box 871, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Greene Township, **Greene County** to install a bleeder shaft and five boreholes. Surface Acres Proposed 7.50. No additional discharges. Permit issued April 12, 2005.

**30940701 and NPDES Permit No. PA0215465, Cobra Mining, LLC** (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to transfer the permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** and related NPDES permit from Dunkard Mining Company. No additional discharges. Permit issued April 13, 2005.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56823123 and NPDES Permit No. PA0608548, Croner, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 231.0 acres. Receiving streams: UNT to Buffalo Creek and UNT to Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2004. Permit issued: April 8, 2005.

**32980111 and NPDES Permit No. PA0234885, Kraynak Coal Company**, 3124 Firetower Road, Mahaffey, PA 15757, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 97.6 acres. Receiving streams: UNTs to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 16, 2005. Permit issued April 11, 2005.

**56663125 and NPDES No. 0607746, Hilltop Mining, Inc.**, 126 Bronco Drive, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 310.8 acres. Receiving streams: UNT of Buffalo Creek and Buffalo Creek, classified for the following use: CWF. Application received February 23, 2005. Permit issued April 13, 2005.

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.*

**26980103 and NPDES Permit No. PA0212312, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued operation and reclamation of a bituminous surface mine located in Wharton and Stewart Townships, **Fayette County**, affecting 211.0 acres. Receiving stream: UNT to Meadow Run to the Youghiogheny River. Application received: February 2, 2005. Renewal issued: April 13, 2005.

**26910108 and NPDES Permit No. PA0592366, Dunkard Disposal Corporation** (P. O. Box 229, Mt. Braddock, PA 15465). Transfer of permit formerly issued to Stash Mining Company for continued operation and reclamation of a bituminous surface mining site located in Georges Township, **Fayette County**, affecting 64.0 acres. Receiving streams: UNT to North Branch of Browns Run, to North Branch of Browns Run, to Browns Run, to Monongahela River. Application received: June 29, 2004. Transfer permit issued: April 14, 2005.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**10020105 and NPDES Permit No. PA0242225, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous strip operation to change the post-mining land use from forestland and abandoned surface mine (previously forestland) to unmanaged natural habitat on the Howard G. McDowell property in Slippery Rock Township, **Butler County**. Receiving streams: UNTs to Long Run and an UNT to Slippery Rock Creek. Application received: February 4, 2005. Permit issued: April 11, 2005.

**61040102 and NPDES No. PA0242560, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous strip operation to permit the use of fluidized bed ash as a soil additive in Irwin Township, **Venango County**. Receiving streams: UNTs to Scrubgrass Creek. Application received: March 28, 2005. Permit issued: April 6, 2005.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17020107 and NPDES Permit No. PA0243281, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 112 acres. Receiving stream: UNTs to the West Branch of the Susquehanna River. Application received: August 2, 2004. Permit issued: March 28, 2005.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**35990901R, Alliance Sanitary Landfill, Inc.** (398 Keyser Avenue, Taylor, PA 18517), renewal of an existing anthracite surface mine operation in Taylor Borough and Ransom Township, **Lackawanna County** affecting 17.3 acres, receiving stream: none. Application received November 2, 2004. Renewal issued April 13, 2005.

**49990201R and NPDES Permit No. PA0224031, Black Diamond Mining, Inc.** (P. O. Box 139, Elysburg, PA 17824), renewal of an existing coal refuse reprocessing in Mt. Carmel Township, **Northumberland County** affecting 124.86 acres, receiving stream: North Branch Shamokin Creek. Application received January 21, 2005. Renewal issued April 13, 2005.

*Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**25052801, Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412). Commencement, operation and restoration of a small noncoal sand and gravel operation in LeBoeuf Township, **Erie County** affecting 5.0 acres. Receiving streams: None. Application received: February 24, 2005. Permit issued: April 13, 2005.

**20032809, Andrew M. Kosturick** (8565 State Highway 285, Conneaut Lake, PA 16316). Commencement, operation and restoration of a small noncoal sand and gravel operation in Fallowfield Township, **Crawford County** affecting 3.0 acres. Receiving streams: None. Application received: October 7, 2003. Permit issued: April 12, 2005.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58040830, Edward W. Yonkin, III** (R. R. 1, Box 1518, Brackney PA 18812), commencement, operation and resto-

ration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres. Receiving Stream: Tributary of Laurel Lake Creek. Application received May 5, 2004. Permit issued April 12, 2005.

**58040868. Douglas Barnhart** (R. R. 1, Box 1368, Brackney PA 18812), commencement, operation and restoration of a bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres. Receiving Streams: Rhiney Creek and Snake Creek. Application received November 24, 2004. Permit issued April 12, 2005.

**4880501C5 and NPDES Permit No. PA0121681. Sreebs Slate & Stone Co., Inc.** (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plainsfield Township, **Northampton County**, receiving stream: Little Bushkill Creek. Application received February 25, 2005. Renewal issued April 15, 2005.

**46030301 and NPDES Permit No. PA0224308. Gibraltar Rock, Inc.** (355 Newbold Road, Fairless Hills, PA 19030), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in New Hanover Township, **Montgomery County** affecting 241.0 acres, receiving stream: UNT to Swamp Creek. Application received March 10, 2003. Permit issued April 15, 2005.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.*

**65054002. Atlas Services** (1600 Route 136, Washington, PA 15301). Blasting activity permit for construction to Seton Hill University's athletic field, located in the City of Greensburg, **Westmoreland County**, with an expected duration of 1 month. Permit issued: April 14, 2005.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**46054108. Brubacher Excavating, Inc.** (P. O. Box 538, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Heritage Hunt in Skippack Township, **Montgomery County** with an expiration date of April 7, 2006. Permit issued April 11, 2005.

**54054101. DC Guelich Explosives Company,** (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for Wegman's Southern Retail Service Center in Butler, Cass and Foster Townships, **Schuylkill County** with an expiration date of April 11, 2006. Permit issued April 12, 2005.

**01054106. TJ Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Flowing Springs Development in Huntington Township, **Adams County** with an expiration date of April 11, 2006. Permit issued April 13, 2005.

**06054103. Horst Drilling & Blasting, Inc.** (141 Rancks Church Road, New Holland, PA 17557), construction blasting for Briarwood Subdivision in South

Heidelberg Township, **Berks County** with an expiration date of April 12, 2006. Permit issued April 13, 2005.

**15054107. Hall Explosives, Inc.** (2981 Elizabethville Road, Hershey, PA 17033), construction blasting for Wire & Cable Specialties in Valley Township, **Chester County** with an expiration date of April 30, 2006. Permit issued April 13, 2005.

**28054105. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for a home on Brookview Drive in Antrim Township, **Franklin County** with an expiration date of April 30, 2006. Permit issued April 13, 2005.

**28054106. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Summit Health Center in Chambersburg Borough, **Franklin County** with an expiration date of April 30, 2006. Permit issued April 13, 2006.

**35054104. Hayduk Enterprises,** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home on Peggy Drive in Archbald Borough, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued April 13, 2005.

**36054116. Gerlach's Drilling & Blasting,** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for manure pit on Samuel S. Stoltzfus Farm in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2005. Permit issued April 13, 2005.

**46054109. Brubacher Excavating, Inc.** (P. O. Box 538, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Club View at Indian Valley in Franconia Township, **Montgomery County** with an expiration date of December 31, 2006. Permit issued April 13, 2005.

**46054110. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for SR 309 and Valley Green Road Bridge in Whitemarsh Township, **Montgomery County** with an expiration date of April 1, 2006. Permit issued April 13, 2005.

**48054103. DC Guelich Explosives Company,** (R. R. 3 Box 125A, Clearfield, PA 16830), blasting at Grand Central Sanitary Landfill in Plainfield Township, **Northampton County** with an expiration date of December 31, 2007. Permit issued April 13, 2005.

**45054110. Hayduk Enterprises,** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Hamilton Township, **Monroe County** with an expiration date of August 30, 2005. Permit issued April 14, 2005.

**45054111. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Sunrise Village in Smithfield Township, **Monroe County** with an expiration date of April 12, 2006. Permit issued April 14, 2005.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the con-

struction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E23-445. County of Delaware**, Government Building, 201 West Front Street, Room 206, Media, PA 19063-2788, Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a single span bridge with a clear span of 70 feet and an underclearance of approximately 9.06 feet to replace the existing bridge structure, which spans the East Branch of the Chester Creek (TSF). The work will involve:

1. Incidental grading activities and structural backfill to accommodate roadway embankment and to establish finish conditions.
2. Construction of new abutment to accommodate the proposed bridge.
3. Minor grading of the stream banks to accommodate the bridge work.
4. Construction of a cofferdam structure system consisting of a concrete barrier, sand bags, piping and impervious fabric.

5. Placement of 45 cubic yards of R-5 rip rap at the base of the abutments and other critical areas along the structure for scour protection.

The project site is located along Locksley Road (T 373) approximately 185 feet north of the intersection of Lockleys and Creek Roads (West Chester, PA, Quadrangle N: 10.19 inches; W: 0.63 inch).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Permit in question*

**E46-966. David Bayer**, 187 West Eighth Street, P.O. Box 217, Pennsburg, PA 18973, Upper Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a single span bridge with a clear span of 70 feet and an underclearance of approximately 9.06 feet to replace the existing bridge structure, which spans the East Branch of the Chester Creek (TSF). The work will involve:

1. Incidental grading activities and structural backfill to accommodate roadway embankment and to establish finish conditions.
2. Construction of new abutment to accommodate the proposed bridge.
3. Minor grading of the stream banks to accommodate the bridge work.
4. Construction of a cofferdam structure system consisting of a concrete barrier, sand bags, piping and impervious fabric.

5. Placement of 45 cubic yards of R-5 rip rap at the base of the abutments and other critical areas along the structure for scour protection.

The project site is located along Locksley Road (T 373) approximately 185 feet north of the intersection of Lockleys and Creek Roads (West Chester, PA, Quadrangle N: 10.19 inches; W: 0.63 inch).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E50-228: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Penn Township, **Perry County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a two span bridge, with each span of 77 feet with an average underclearance of 10.6 feet across Sherman Creek (WWF) and associated improvements on SR 2002, Section 005, Segment 0120, Offset 0009 to improve the traffic safety condition of the road located about 2.7 miles west of Duncannon Borough (Duncannon, PA Quadrangle N: 1.0 inch; W: 11.5 inches) in Penn Township, Perry County.

**E50-226: Richard M. Nolt**, 29 Lyons Road, Millers-town, PA 17065 in Tuscarora Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a single span bridge with a clear span of 16.0 feet, a rise of 1.75 feet and an instream length of 11.25 feet within the channel of Raccoon Creek (CWF), a perennial stream, approximately 1,200 feet

downstream of the Tuscarora and Saville Township line at a point (Ickesburg, PA Quadrangle N: 19.4 inches; W: 9.1 inches) in Tuscarora Township, Perry County. The project will result in 11.25 linear feet of direct impacts to the channel of Raccoon Creek.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E41-545. Pine Township Supervisors**, 925 Oregon Hill Road, Morris, PA 16938. Issuance of Water Obstruction and Encroachment Joint Permit in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 11.0 inches; W: 3.9 inches).

To remove an existing 24 foot wide steel I-beam bridge, construct and maintain a 28 foot by 10 foot precast concrete arch on a skew of 86° in Lick Run, 0.2 mile south of English Center along T-772 Westphal Road. This permit also authorizes the construction and removal of a temporary crossing consisting of three 48-inch diameter culvert pipes and clean R-3 and R-6 rock. This project proposes to permanently impact 30 linear feet of Lick Run, which is designated a High Quality-Cold Water Fishery stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-202. James and Lisa Gesselman**, 110 North Old Trail, Selinsgrove, PA 17870. Issuance of Water Obstruction and Encroachment Permit, in Shamokin Dam Borough, **Snyder County**, ACOE Susquehanna River Basin District (Sunbury, PA Quadrangle N: 18.13 inches; W: 9.01 inches).

To construct and maintain a wooden footbridge measuring 3 feet wide and 30 feet long over an UNT to the Susquehanna River along the Old Trail in Shamokin Dam Borough, Snyder County. This project proposes to have a minimal impact on the tributary to UNT to the Susquehanna River, which is listed as a Warm Water Fishery. The project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-462. Department of Transportation**, 715 Jordan Ave, Montoursville, PA 17754. SR 0006 Section 86M, in Richmond Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle N: 9.6 inches; W: 8.4 inches).

To construct, operate and maintain 600 linear feet of roadway work to include 416 linear feet of shoulder widening, installation of junction boxes, combination storm sewer on the south side of the highway and construction of a 4:1 slope protection between the highway and Corey Creek. This application also authorizes the relocation of 630 linear feet of Corey Creek, installation of three rock cross vanes, installation of R-5 rock stream protection of the southern stream bank along with joint planting of willow live stakes. This permit additionally authorizes impacts to 0.05 acre of wetlands along Corey Creek. This project is located along SR 06 just east of Mansfield.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-416. Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. To place fill in wetlands and construct two outfalls in Washington Township, **Armstrong County**, Pittsburgh ACOE Dis-

trict. (Templeton, PA Quadrangle N: 8.7 inches; W: 13.7 inches and Latitude: 40° 55' 22"—79° 28' 27"). To place and maintain fill in 0.15 acre of emergent and scrub-shrub wetlands as part of the proposed new CBB Landfill Development Project. The permit also authorizes impacting 275 feet of intermittent stream channels and 702 feet of ephemeral stream channels on three UNTs to the Allegheny River (WWF) and the construction and maintenance of two outfalls along the Allegheny River (WWF). To compensate for the wetland impacts, the permittee made a monetary contribution in the amount of \$1,000 to the wetland replacement fund. The project is located off of SR 4006, southwest of the Armstrong Power Station.

**E63-564. Dunhill Development, LLC**, 100 Bayberry Court, McMurray, PA 15317. To place fill in wetlands and to construct a driveway in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 0.5 inch; W: 11.4 inches and Latitude: 40° 15' 10"—Longitude: 80° 04' 54"). To place and maintain fill in 0.51 acre of PEM wetlands adjacent to a UNT to Peters Creek and to construct and maintain a driveway consisting of two 21-inch diameter culverts in UNT to Peters Creek and associated wetlands for the purpose of constructing the Reidmont Manor Plan of Lots. The project is located on Breezewood Drive, just northwest from the intersection of Breezewood Drive and Canterwood Drive. To compensate for wetland impacts, the applicant shall construct an onsite 0.51-acre PEM wetland. Three driveway culverts will also be constructed to provide access to Lots 101, 102 and 103, and will impact a total of approximately 159.0 linear feet of stream channel. These three culverts are waived under Section 105.12(a)(2).

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D01-069EA. Borough of Chambersburg**, P. O. Box 1009, Chambersburg, PA 17201-0909. Franklin Township, **Adams County**, ACOE Baltimore District.

Project proposes to breach and remove Birch Run Dam located across Conococheague Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is considered unsafe due to structural and spillway inadequacies and will be removed to protect downstream residents. The dam is located along SR 233 approximately 1.5 miles northeast of the intersection of SR 233 and US 30 (Caledonia Park, PA Quadrangle N: 8.0 inches; W: 11.15 inches).

#### WATER QUALITY CERTIFICATIONS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

#### Final Action on Request for Certification under section 401 of the Federal Water Pollution Control Act April 20, 2005

Except as otherwise noted, the Department of Environmental Protection (Department), under section 401(a) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

1. Permittee shall conduct the dredging in accordance with the conditions of Department Permits E25-404A and E25-581.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a United States Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05-35-004	Beverly Baio A & B Plumbing Heating & Fuel Oil Route 507 & 4th St. P. O. Box 813 Gouldsboro, PA 18424-0813	Lackawanna	Clifton Township	4 ASTs storing No. 2 Fuel Oil	30,000 gallons each

## SPECIAL NOTICES

### BUREAU OF DEEP MINE SAFETY

#### Approval of Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau) has approved RoxCoal, Inc.'s request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) at the Roytown Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida at (724) 439-7469 or from the Bureau's website at [www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm](http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm).

*Summary of the Request:* RoxCoal, Inc. requested a variance from section 242(c) of the act to allow for the common ventilation of belt conveyor entry with other entries at the Roytown Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Regional Office:* Regional Manager, Water Management Program, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481

*Certification Request Initiated by:* Erie-Western Pennsylvania Port Authority

*Date of Initial Pennsylvania Bulletin Notice:* March 19, 2005

*Project Description:* To dredge in accordance with the conditions of Permit E25-404A the following areas of Presque Isle Bay and Lake Erie: East Avenue Boat Launch (500 cubic yards), Lampe Marina (1,500 cubic yards) and East Canal Basin (1,500 cubic yards). Dredged material would be disposed in the United States Army Corps of Engineers Lake Erie Harbor Confined Disposal Facility located adjacent to the South Pier in the City of Erie.

*Location:* City of Erie, Erie County

*Final Action on Request:* Approved

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

The basis for the Bureau's approval is summarized as follows:

1. The Pyott-Boone 9500 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.

2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.

3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.

4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from the requirements in section 242(c) of the act requiring that the belt entry is isolated from other entries. All other terms and

requirements of section 242(c) of the act shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. All mine employees shall be task trained in the Pyott Boone Model 9500 CO monitoring system alert and alarm response procedures. These procedures shall also be included in the 8-hour annual retraining.

2. As part of the requirements of section 228 of the act, all belt entries, common entries, and unfenced roadways shall be preshifted in their entirety.

3. A preshift date board should be placed at each CO sensor location.

4. Designated areas shall be established (with approval from the District Inspector) at strategic locations along the belt entry and common entries to determine whether the air is traveling in the proper course and normal volume. This air reading shall be taken by a scientific means (anemometer, chemical smoke tube, velometer) and recorded in the preshift examination record book.

5. The investigative committee shall conduct an underground ventilation survey when the belt and common entries are established to verify pressure differential between the intake escapeway and the common entries.

6. The investigative committee shall evaluate the visual and audible alarms during the installation process.

7. A list of designated surface personnel shall be forwarded to the District Inspector upon activation of the

CO Monitoring System. Copies of the task training records shall also be forwarded to the District Inspector.

8. The investigators shall interview supervisory and non-supervisory personnel upon commencement of mining operations.

9. The operator must ascertain whether or not the belt compounds used in the mine produce CO when burnt. Should the operator use a non-CO producing compound in the mine, additional sensors must be used in conjunction with the CO detectors to provide the early warning benefits of the monitoring system.

#### **Environmental Good Samaritan Act**

**EGS26004. Trout Unlimited, Chestnut Ridge Chapter** (P. O. Box 483, Uniontown, PA 15401). A project to abate mine drainage pollution located in Dunbar Township, **Fayette County**, affecting 5.3 acres, receiving stream: Morgan Run. Project proposal received: April 4, 2005.

#### **Availability of Final Total Maximum Daily Loads (TMDLs)**

The Department of Environmental Protection is publishing these TMDLs for the following watersheds. EPA Region 3 and their associated contractors completed all of the work on these TMDLs for the Commonwealth. The TMDL sets the pollutant loading amounts for impaired waters that are allocated among the sources in the watershed. These TMDLs have been approved by the EPA and satisfies the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>TMDL Name</i>	<i>County</i>	<i>Pollutants covered</i>
Brush Run	Washington	Nutrients/Suspended Solids
Christina River Basin Low Flow	Chester	Nutrients
Delaware River Estuary	Bucks, Chester, Montgomery	PCB
Glanraffan Creek	Montgomery	Suspended Solids, Metals
Lake Ontelaunee	Berks	Nutrients/Suspended Sediment
Marsh Run and McCarthy Run TMDL	Indiana	Sediment
Waltz Creek	Northhampton	Metals, Sediment
Wissahickon Creek	Montgomery, Philadelphia	Nutrients/sediment
Lake Nockamixon	Bucks	Nutrients/Suspended Solids
Greenlane Reservoir	Montgomery	Nutrients

To request a copy of a TMDL, contact the Division of Water Quality Assessment and Standards, Department of Environmental Protection, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, rnaugle@state.pa.us. A TMDL can also be accessed through the Department's website: [www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/) (choose a stream under "Select By TMDL Name:").

[Pa.B. Doc. No. 05-843. Filed for public inspection April 29, 2005, 9:00 a.m.]

#### **Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Notice to Rescind/Remove*

DEP ID: 012-0830-001. Title: Data Standards for Names and Addresses. Description: This document provided standard naming conventions for use within the Department. It provided no directives, guidance or compliance related information that is of use to the public. It is being rescinded to avoid confusion with the procedures and instructions for the Department's internal database systems. Effective Date: The document will be rescinded effective May 3, 2005. Contact: Patricia Hammaker, Bureau of Information Technology, (717) 772-4784.

DEP ID: 012-0830-002. Title: Data Standards for Pennsylvania Municipality Codes and Names. Description: This document provided standard naming conventions for use within the Department. It provided no directives, guidance or compliance related information that is of use to the public. It is being rescinded to avoid confusion with the procedures and instructions for the Department's internal database systems. Effective Date: The document will be rescinded effective May 3, 2005. Contact: Patricia Hammaker, Bureau of Information Technology, (717) 772-4784.

#### *Draft Guidance—Substantive Revision*

DEP ID: 393-0900-011. Title: Modification and Maintenance Issues. Description: This guidance document assists individuals in determining the classification of various modifications to storage tank systems and in determining when certified inspectors or installers are required. Written Comments: Interested persons may submit written comments on draft technical guidance document 393-0900-011 by May 31, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Charles Swokel, Division of Storage Tanks, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17105, cswokel@state.pa.us. Questions regarding the draft technical guidance document should be directed to Charles Swokel (717) 772-5551 or cswokel@state.pa.us. Contact: Charles Swokel, Division of Storage Tanks, (717) 772-5551, or cswokel@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

#### *Final Guidance—New Guidance*

DEP ID: 383-2129-003. Title: Consumer Confidence Report Handbook. Description: This handbook was developed to assist community water suppliers in complying with the consumer confidence reporting requirements found in 25 Pa. Code § 109.416 (relating to CCR requirements). Under these requirements, community water systems must provide to their customers an annual consumer confidence report (CCR) on the quality of the water delivered by the public water system. These requirements incorporate the provisions of the Federal CCR Rules that were mandated by the 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) and represent the cornerstone of the public right-to-know provisions in the SDWA. A notice of availability of the draft

version of this document was published at 35 Pa.B. 794 (February 5, 2005). Provision for a 30-day public comment period was provided for the draft document, which concluded on March 7, 2005. No comments were received. Contact: Deb Rotz, Bureau of Water Supply and Wastewater Management, (717) 772-2190. Effective Date: April 30, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-844. Filed for public inspection April 29, 2005, 9:00 a.m.]

### **Final General Plan Approval and/or General Operating Permits (BAQ-GPA/GP-9, GP-11 and GP-12)**

The Department of Environmental Protection (Department) has finalized the General Plan Approval and/or General Operating Permits (GPs) for:

BAQ-GPA/GP-9 (Diesel or No. 2 Fuel-fired Internal Combustion Engines)

BAQ-GPA/GP-11 (Nonroad Engines)

BAQ-GPA/GP-12 (Fugitive Dust Sources and Diesel-fired Internal Combustion Engines at Coal and Coal Refuse Mining Sites)

The notice of availability of the proposed GPs was published at 34 Pa.B. 5442 (October 2, 2004). A 45-day comment period was provided and written comments were received. A comment and response document has been prepared which summarizes the Department's response to the comments. The finalized GPs for BAQ/GP-9, GP-11 and GP-12 issued on March 17, 2005, are now available for use by qualifying applicants. Applications to operate under these GPs must be submitted to the regional office responsible for the county in which the source is, or will be, located.

The GPs, applications and the comment/response document are available on the Department's website: [ww.dep.state.pa.us](http://ww.dep.state.pa.us) (DEP keyword: Air Quality).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-845. Filed for public inspection April 29, 2005, 9:00 a.m.]

### **Oil and Gas Technical Advisory Board Bonding Workgroup Meeting**

The Oil and Gas Technical Advisory Board (Board) Bonding Workgroup (Workgroup) will hold a fourth meeting at 10 a.m. on May 10, 2005, at the Moshannon District Office, 186 Enterprise Drive, Phillipsburg, PA. Previous meetings were held on December 21, 2004, January 27, 2005, and February 15, 2005, to address the request for input regarding a new framework for the bonding requirements in the Oil and Gas Act (58 P. S. §§ 601.1—601.605). The Workgroup has additional work to do to finalize recommendations for consideration by the Board at their June 2, 2005, meeting.

Questions concerning this meeting should be directed to David Hogeman, (717) 772-2199, [dhogeman@state.pa.us](mailto:dhogeman@state.pa.us). Information on this meeting is also available through the Public Participation Center on the Department of Envi-

ronmental Protection's (Department) website at [www.dep.state.us](http://www.dep.state.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact David Hogeman at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-846. Filed for public inspection April 29, 2005, 9:00 a.m.]

### State Water Plan; Water Resources Regional Committee Meetings Schedule for May 2005

The following is a list of May 2005 meeting locations and times for the six Water Resources Regional Committees (Committees) associated with the Department of Environmental Protection (Department). Notice of these meetings is being given in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act). The meeting dates for the regional committee meetings were previously published at 35 Pa.B. 794 (February 5, 2005).

These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

The six Committees listed in this notice were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The Committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The May 2005 meeting dates of the committees are as follows:

#### *Ohio Water Resources Regional Committee*

The May meeting of the Ohio Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

May 9, 2005      Seven Field Community Center  
380 Castle Creek Drive  
Seven Fields, PA 16046

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Great Lakes Water Resources Regional Committee*

The May meeting of the Great Lakes Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

May 10, 2005      Erie Conservation District  
1927 Wager Road  
Erie, PA 16509

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Delaware Water Resources Regional Committee*

The May meeting of the Delaware Water Resources Regional Committee will be held at 12 p.m. at the following location:

May 12, 2005      Montgomery County Community College  
College Hall Faculty and Staff Cafeteria  
Room 138  
340 DeKalb Pike  
Blue Bell, PA 19422

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

#### *Lower Susquehanna Water Resources Regional Committee*

The May meeting of the Lower Susquehanna Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

May 16, 2005      Radisson Penn Harris Hotel and  
Convention Center  
1150 Camp Hill Bypass  
Camp Hill, PA 17011

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

#### *Potomac Water Resources Regional Committee*

The May meeting of the Potomac Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

May 19, 2005      Penn State Mont Alto Campus  
Multi-Purpose Center  
One Campus Drive  
Mont Alto, PA 17237

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Upper/Middle Susquehanna Water Resources Regional Committee*

The May meeting of the Upper/Middle Susquehanna Water Resources Regional Committee will be held at 12:30 p.m. at the following location:

May 26, 2005      Days Inn, Penn State  
240 South Pugh Street  
(College Avenue and Pugh Street)  
State College, PA 16801

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

Persons with a disability who require accommodations to attend a meeting listed should contact the Department at (717) 772-4785 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-847. Filed for public inspection April 29, 2005, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Availability of Draft Title V Block Grant Program 2003 Report and 2005 Application for Public Comment

The Commonwealth's draft Title V Block Grant 2004 Annual Report and 2006 Application are available for public comment. A draft of this document is available on the Department of Health's (Department) website: [www.health.state.pa.us](http://www.health.state.pa.us). Comments should be provided in writing to the Bureau of Family Health, Department of Health at the following address by the close of business on May 31, 2005.

Individuals wishing to review the Commonwealth's draft Title V Block Grant 2004 Annual Report and 2006 Application in alternative formats or to provide comments in alternative formats (for example, hard copy, larger print, audio tape or Braille) should contact the Director of Bureau Operations, Bureau of Family Health, P. O. Box 90, Health and Welfare Building, Room 724, Harrisburg, PA 17108, (717) 787-7262, TDD: (717) 783-6514, fax (717) 772-0323, [cjohnndrow@state.pa.us](mailto:cjohnndrow@state.pa.us).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-848. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, May 18, 2005, and Thursday, May 19, 2005, from 9 a.m. to 4 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 for speech and/or hearing impaired persons.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-849. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 8, 2005, from 10 a.m. to 2 p.m. in Room 812, Health and Welfare Building, 7th and Forster Street, Harrisburg, PA 17120.

For additional information, contact Jayme L. Trogus, Public Health Educator, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Jayme L. Trogus at (717) 787-6214, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-850. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Prearrest Breath Testing Devices

The Department of Health (Department) is approving the following prearrest breath testing devices for determining the alcohol content of the blood by analysis of a person's breath as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). This list of approved prearrest breath testing devices is adopted under the authority contained in the Motor Vehicle Code, 75 Pa.C.S. § 1547 (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) and section 2101 of The Administrative Code of 1929 (71 P. S. § 532).

Devices approved under this notice may be used by police officers, waterways patrolmen and officers enforcing the Game and Wildlife Code in conducting preliminary alcohol content in blood determinations on persons suspected of driving, boating, hunting or furtaking while under the influence of alcohol. The sole purpose of these testing devices is to assist the officer or patrolman in determining whether or not the person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) or for any other criminal offense under the Vehicle Code, the Game and Wildlife Code or the Fish and Boat Code which involves operating a vehicle, hunting or furtaking while under the influence of alcohol.

This notice lists devices that were included in the previous publication of this list, published at 22 Pa.B. 1001 (March 7, 1992), and adds additional devices to that list.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices using either breath or bodily fluids to measure

blood alcohol content. The NHTSA established these specifications to support state laws and the United States Department of Transportation's workplace alcohol testing program.

The NHTSA published a conforming products list of alcohol screening devices at 66 FR 22639 (May 4, 2001). The Department uses the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood. The breath testing devices included in the Federal approval list are incorporated by reference into the list in this notice. Since this notice pertains to only those devices that test breath, items on the NHTSA list that test saliva or other bodily fluids are not incorporated by reference in the list in this notice.

Some of the devices are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In these instances, the device is listed under the name of each company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

Additionally, there are a number of handheld breath testing devices on the Department's list of approved evidentiary breath testers that frequently are used as prearrest screening devices. A device on the list of evidentiary breath testers that was tested against the 1993 Model Specifications for Evidential Breath Testers, as published by the NHTSA at 58 FR 48765 also fully meets the requirements of the Model Specifications for prearrest screening devices. Both procedures evaluate the performance of instruments at the 0.020 alcohol level.

Questions regarding this list, or for additional information or persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille), contact Dr. M. Jeffrey Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Akers Laboratories, Inc., Thorofare, NJ  
Alcohol  $\sqrt{\text{TM}}$ \*

Alco Check International, Hudsonville, MI  
Alco Check 3000 D.O.T.  
Alco Screen 3000  
Alco Check 9000

Alcohol Countermeasure Systems, Inc., Cincinnati, OH  
Alert J4

Approved Technology, Inc., Grand Rapids, MI  
Alco-Check I  
Alco-Check II  
Alco Check 3000

BHP Diagnostix, West Chester, PA  
Prevent

CMI-MPH, Owensboro, KY  
CMI S-D2  
CMI S-L2

Craig Technologies International Ltd., Aurora, CO  
BreathScan

Guth Laboratories, Inc., Harrisburg, PA  
Alcotector WAT89EC-1  
Alco-Tector  
Alco-Tector Mark X  
Mark X Alcohol Checker

Han International Co., Ltd., Seoul, Korea  
A.B.I. (Alcohol Breath Indicator)

Intoximeters, Inc., St. Louis, MO  
Alco-Sensor  
Alco-Sensor III  
Alco-Sensor Light Display

Life Loc Inc., Wheat Ridge, CO  
Life Loc PBA 3000

Medi-Scan, Inc., Denver, CO  
BreathScan

National Draeger, Inc., Pittsburgh, PA  
Alcotest

PAS Systems International, Inc., Fredericksburg, VA  
PAS IIIa  
PAS Vr

RepCo Marketing, Raleigh, NC  
Alco Tec III  
AlcoTec Breath-Alcohol Tester  
Breath Alcohol Tester Model BT-2  
Breath Alcohol Tester Model BT-3

SoundOff, Inc., Hudsonville, MI  
Alco-Check  
Alco-Check II  
Alco Screen 1000  
Digitox D.O.T.  
Preliminary Breath Test II

Team Building Systems, Inc., Houston, TX  
BreathScan

\*The Alcohol  $\sqrt{\text{TM}}$ \* disposable breath alcohol screening device manufactured by Akers Laboratories, Inc. passed the model specifications under all lighting conditions except one, namely sodium vapor lighting. The device is being listed with the understanding that the manufacturer will specify in written instructions accompanying the product that the device should not be used under sodium vapor lighting conditions. It passed the testing under all other conditions.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-851. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Evangelical Manor  
8401 Roosevelt Boulevard  
Philadelphia, PA 19152  
FAC ID 311202

Crawford County Care Center  
20881 State Highway 198  
Saegertown, PA 16433

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33 (relating to utility room):

HealthSouth Transitional Rehabilitation Center  
4950 Wilson Avenue  
Mechanicsburg, PA 17055

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Rolling Fields, Inc.  
9108 State Highway 198  
Conneautville, PA 16406

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-852. Filed for public inspection April 29, 2005, 9:00 a.m.]

#### **Requests for Exception to 28 Pa. Code § 551.21(d) to Perform Ambulatory Surgical Procedures Included on the List of Medicare Approved ASC Procedures**

The following ambulatory surgical facilities are seeking an exception to 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery) to perform ambulatory surgical procedures included on the List of Medicare Approved ASC Procedures:

Geisinger Medical Center Outpatient Surgery—Woodbine Saint Vincent Surgery Center of Erie

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone number, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 05-853. Filed for public inspection April 29, 2005, 9:00 a.m.]

## **DEPARTMENT OF REVENUE**

### **Pennsylvania Jumbo Bucks '05 Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Jumbo Bucks '05.

2. *Price:* The price of a Pennsylvania Jumbo Bucks '05 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Jumbo Bucks '05 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), Moneybag Symbol (MNYBAG) and JUMBO Symbol (DOUBLE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FIFTY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$50,000 and \$250,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Jumbo Bucks '05 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FIFTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$1,000 (ONE THO) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$500 (FIV HUN) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$500 (FIV HUN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$200 (TWO HUN) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$50\$ (FIFTY) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol

(MNYBAG), and a prize symbol of \$50\$ (FIFTY) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$20\$ (TWENTY) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$20\$ (TWENTY) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$15\$ (FIFTN) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag Symbol (MNYBAG), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Moneybag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a JUMBO Symbol (DOUBLE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the JUMBO Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your  
Numbers Match Any  
of the Winning Numbers,  
Win With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$10	\$10	30	320,000
\$10 w/Moneybag	\$10	20	480,000
\$5 w/Jumbo	\$10	30	320,000
\$5 × 2	\$10	30	320,000
\$15	\$15	120	80,000
\$15 w/Moneybag	\$15	120	80,000
\$5 × 3	\$15	60	160,000
\$20	\$20	150	64,000
\$20 w/Moneybag	\$20	150	64,000
\$10 w/Jumbo	\$20	150	64,000
\$10 × 2	\$20	150	64,000
\$15 + \$5	\$20	150	64,000
\$50	\$50	150	64,000
\$50 w/Moneybag	\$50	300	32,000
\$5 × 10	\$50	300	32,000
\$10 × 5	\$50	300	32,000
\$20 w/Jumbo + \$10	\$50	300	32,000
\$100	\$100	805	11,920
\$100 w/Moneybag	\$100	805	11,920
\$10 × 10	\$100	805	11,920
\$15 × 6 + \$5 × 2	\$100	805	11,920
\$20 × 5	\$100	805	11,920
\$50 × 2	\$100	805	11,920
\$50 w/Jumbo	\$100	851	11,280
\$500	\$500	2,400	4,000
\$500 w/Moneybag	\$500	2,400	4,000
\$200 w/Jumbo + \$100	\$500	2,400	4,000
\$50 × 10	\$500	2,400	4,000
\$100 × 5	\$500	2,400	4,000
\$1,000	\$1,000	4,800	2,000
\$1,000 w/Moneybag	\$1,000	4,800	2,000
\$100 × 10	\$1,000	4,800	2,000
\$500 w/Jumbo	\$1,000	4,800	2,000
\$10,000	\$10,000	120,000	80
\$1,000 × 10	\$10,000	120,000	80
\$50,000	\$50,000	240,000	40
\$250,000	\$250,000	480,000	20

Moneybag—Automatically win prize shown.

Jumbo—Double the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jumbo Bucks '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Jumbo Bucks '05, prize money from winning Pennsylvania Jumbo Bucks '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Jumbo Bucks '05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Jumbo Bucks '05 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-854. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Pennsylvania Win For Life '05 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Win For Life '05.

2. *Price:* The price of a Pennsylvania Win For Life '05 instant lottery game ticket is \$2.

3. *Play Symbols:*

(a) Each Pennsylvania Win For Life '05 instant lottery game ticket will contain three play areas known as "Game 1", "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Win For Life '05 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$8.<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Keystone Symbol (KYSTN) and an X Symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR NUMBERS" area and a "LUCKY NUMBERS" area. The play symbols and their captions located in the "YOUR NUMBERS" area and the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize and Prize Play Symbols:*

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$8.<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

(b) The play area for "Game 3" will contain six "Prize" areas. The prize symbols and their captions located in the six "Prize" areas for "Game 3" are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

(c) The prize play and play symbols and their captions located in the "Fast Cash Bonus" area are: \$4.<sup>00</sup> (FOR DOL), \$8.<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY) and TRY AGAIN (NO BONUS).

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are \$2, \$4, \$8, \$20, \$25, \$50, \$150 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in "Game 3" are \$1, \$2, \$4, \$20, \$25, \$50, \$150 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are \$4, \$8, \$20, \$25 and \$50. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Win For Life '05 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of LIFE (\$1,000/WEEK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16

(relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '05 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching prize play symbols of \$150 (ONEHUNFTY) in the play area, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with three matching prize play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching prize play symbols of \$8.<sup>00</sup> (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(7) Holders of tickets with three matching prize play symbols of \$4.<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(8) Holders of tickets with three matching prize play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of LIFE (\$1,000/WEEK) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '05 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$150 (ONEHUNFTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$50\$ (FIFTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$25\$ (TWY FIV) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$8.

(7) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(8) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of LIFE (\$1,000/WEEK) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life '05 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(8) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(d) Determination of prize winners for the "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$50\$ (FIFTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(2) Holders of tickets with a prize play symbol of \$25\$ (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(3) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(4) Holders of tickets with a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$8.

(5) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
		\$2		\$2	20	720,000
			\$2	\$2	20	720,000
	\$2			\$2	21.43	672,000
\$4		\$4		\$4	750	19,200
	\$4			\$4	750	19,200
			\$4	\$4	750	19,200
		\$2	\$1×2	\$4	1,500	9,600
			\$1×2	\$4	150	96,000
	\$2		\$1×4	\$4	150	96,000
		\$2		\$4	115.38	124,800
\$8		\$2		\$4	150	96,000
		\$8		\$8	750	19,200
				\$8	750	19,200

<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
	\$8			\$8	750	19,200
\$4		\$4		\$8	750	19,200
\$4			\$1×4	\$8	500	28,800
\$4	\$2	\$2		\$8	500	28,800
\$4		\$2	\$2	\$8	500	28,800
	\$2		\$1×6	\$8	500	28,800
\$20				\$20	1,500	9,600
	\$20			\$20	1,500	9,600
		\$20		\$20	1,500	9,600
			\$20	\$20	1,500	9,600
\$8	\$8		\$2×2	\$20	750	19,200
\$8			\$4×3	\$20	750	19,200
			\$4×5	\$20	750	19,200
\$25				\$25	375	38,400
	\$25			\$25	750	19,200
		\$25		\$25	750	19,200
			\$25	\$25	750	19,200
\$50				\$50	1,017	14,160
	\$50			\$50	1,200	12,000
		\$50		\$50	1,200	12,000
\$25			\$25	\$50	1,200	12,000
\$25	\$25			\$50	1,200	12,000
	\$25	\$25		\$50	1,200	12,000
\$20	\$20		\$2×5	\$50	1,200	12,000
	\$150			\$150	60,000	240
		\$150		\$150	60,000	240
			\$150	\$150	60,000	240
	\$50		\$50×2	\$150	60,000	240
\$50	\$50	\$50		\$150	60,000	240
\$50	\$50		\$50	\$150	60,000	240
	LIFE			\$1,000/WK/LIFE	14,400,000	1
		LIFE		\$1,000/WK/LIFE	14,400,000	1
			LIFE	\$1,000/WK/LIFE	14,400,000	1

Fast Cash Bonus—Reveal prize amount between \$4 and \$50, win that prize.

Game 1—Get 3 like amounts, win that prize. Get three “LIFE” symbols, and win \$1,000 a week for life.

Game 2—Get three “KEYSTONE” symbols in a row, column or diagonal, win prize shown. When the prize won is “LIFE,” you win \$1,000 a week for life.

Game 3—When any of “YOUR NUMBERS” match either “LUCKY NUMBER,” win the prize shown under the matching number. When the prize under the matching number is “LIFE,” you win \$1,000 a week for life.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania Win For Life '05 game, “lifetime” for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win For Life '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Win For Life '05, prize money from winning Pennsylvania Win For Life '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Win For Life '05 instant lottery game, the right of a ticket holder to claim the prize represented

by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Win For Life '05 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-855. Filed for public inspection April 29, 2005, 9:00 a.m.]



# DEPARTMENT OF TRANSPORTATION

## Finding Juniata County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Parker pin-connected thru truss carrying State Route 3008 over the Tuscarora Creek in Milford and Turbutt Townships, Juniata County. The Tuscarora Creek Bridge is eligible for listing on the National Register of Historic Places.

Information describing the project together with the associated environmental analysis is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

The Categorical Exclusion Evaluation/Section 2002 Evaluation satisfies all State environmental evaluation requirements as published in section 2002 of Pennsylvania Act 120.

Based upon studies, there is no prudent and feasible alternative to the use of this National Register eligible resource. The effect of this project on the Tuscarora Creek Bridge will be mitigated by measures outlined in the Memorandum of Agreement, which was executed on January 4, 2005. They include:

1. Ensure that an Archaeological Data Recovery Work is implemented.
2. Ensure that any human remains and grave associated artifacts encountered during the archeology investigations are brought to the attention of the Federal Highway Administration, the State Historic Preservation Officer and the Tribes, as appropriate.
3. Prepare a report on the data recovery excavations.
4. Ensure that all records including fieldnotes, maps, photographs and associated materials resulting from the investigations will be curated in accordance with 36 CFR Part 79 (relating to curation of Federally-owned and administered archaeological collections) and the curation guidelines developed by the Historical and Museum Commission.
5. Ensure that a plan is prepared for marketing the Tuscarora Creek Bridge.
6. Ensure that if the bridge is not salvaged or relocated, select intact components of the truss will be salvaged for material and stress testing at a suitable university.
7. Ensure that a portable display will be created to explain the significance of the Tuscarora Creek Bridge to a general audience through historic images and narrative text.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to

the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 05-856. Filed for public inspection April 29, 2005, 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

## Acceptance of Rulemaking Petitions for Study

On April 20, 2005, the Environmental Quality Board (Board) accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

Dr. Peter Klose and John F. Hoekstra of the Green Valleys Association, along with over 108 co-petitioners, submitted the first petition reviewed and accepted for study by the Board. This petition requests the redesignation of Pickering Creek in Chester County from High Quality (HQ)—Trout Stocking Fishes to Exceptional Value (EV) water.

Frank J. May of The Buck Hill Conservation Foundation submitted the second petition that was reviewed and accepted for study by the Board. This petition requests the redesignation of a segment of Buck Hill Creek in Monroe County from HQ-Cold Water Fishes (HQ-CWF) to EV waters.

Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) will publish separately in the *Pennsylvania Bulletin* notice of intent to assess candidate waters before performing survey work.

The petitions are available from the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-8727 and on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us), (DEP Keyword: EQB (April 19, 2005 meeting)).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-857. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Environmental Quality Board Meeting Cancellation

The May 18, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, June 21, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd, (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-858. Filed for public inspection April 29, 2005, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, May 4, 2005, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m.; Thursday, May 5, 2005, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 05-859. Filed for public inspection April 29, 2005, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 14, 2005, and announced the following:

#### *Regulations Approved*

Insurance Department #11-224: Medicare Supplement Insurance Minimum Standards (amends 31 Pa. Code Chapter 89)

State Board of Occupational Therapy Education and Licensure #16A-675: Oral Orders (amends 49 Pa. Code Chapter 42)

State Board of Dentistry #16A-4614: Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia (amends 49 Pa. Code Chapter 33)

State Board of Dentistry #16A-4615: Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II (amends 49 Pa. Code Chapter 33)

State Board of Osteopathic Medicine #16A-5313: Continuing Medical Education (amends 49 Pa. Code Chapter 25)

State Board of Medicine #16A-4918: Disciplinary Process and Procedures (amends 49 Pa. Code § 16.51 and adds §§ 16.55, 16.56, 16.57 and 16.58)

Pennsylvania Public Utility Commission #57-223: Filing Requirements Relating to Water and Wastewater Public Utilities (amends 52 Pa. Code Chapter 53)

### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Insurance Department—Medicare Supplement Insurance Minimum Standards; Regulation No. 11-224*

On February 11, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 89. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation amends the requirements for Medicare Supplement Insurance policies to comply with Federal requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The amendments conform to the National Association of Insurance Commissioners revised model regulation. Federal law mandates these amendments in order for a state to retain primacy.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 186) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Occupational Therapy Education and Licensure—Oral Orders; Regulation No. 16A-675*

On March 11, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking amends 49 Pa. Code Chapter 42. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation incorporates a change to the Occupational Therapy Practice Act made by Act 30 of 2004 that permits occupational therapists to provide therapy to a patient based on a referral from a licensed optometrist.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1505(b)) and the intention of the General Assembly. Having con-

sidered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Dentistry—Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia; Regulation No. 16A-4614*

On March 30, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33. The proposed regulation was published in the April 10, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 11, 2005.

This regulation amends practice requirements relating to the administration of anesthesia, deep sedation, conscious sedation and nitrous oxide/oxygen analgesia.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 122(o)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Dentistry—Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II; Regulation No. 16A-4615*

On September 29, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33. The proposed regulation was published in the October 9, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 11, 2005.

This regulation makes revisions to the Board's fee structure including an increase in the biennial license renewal fee for dentists. The current fees no longer cover the cost of sustaining the Board's operations.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 123(b)) and the intention of the General Assembly. Having con-

sidered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Osteopathic Medicine—Continuing Medical Education; Regulation No. 16A-5313*

On January 20, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 25. The proposed regulation was published in the January 31, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The Board submitted a final-form regulation on October 1, 2004, but subsequently withdrew it on October 18, 2004, to make technical changes. This final-form regulation was submitted to the Commission on March 11, 2005.

This regulation implements the continuing medical education requirements of Act 13 of 2002, including requirements for continuing education in patient safety and risk management.

We have determined this regulation is consistent with the statutory authority of the Board (40 P. S. § 1303.910) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Medicine—Disciplinary Process and Procedure; Regulation No. 16A-4918*

On March 30, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends § 16.51 and adds §§ 16.55, 16.56, 16.57 and 16.58 in 49 Pa. Code. The proposed regulation was published in the April 10, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 23, 2005.

This regulation codifies the process and procedures for handling complaints submitted to the Board. It establishes provisions for appointing hearing examiners; submitting and processing of complaints; formal hearings open to public; and appeals.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 422.8

and 422.9) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### **Approval Order**

Public Meeting held  
April 14, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Uffberg, Esq.

*Pennsylvania Public Utility Commission—Filing Requirements Relating to Water and Wastewater Public Utilities; Regulation No. 57-223*

On February 19, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 53. The proposed regulation was published in the March 1, 2003 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 2, 2005.

This rulemaking revises the filing requirements for water and wastewater public utilities when they request a general rate increase in excess of one million dollars. These filing requirements are more streamlined than those in existing regulation and also delete obsolete requirements.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 05-860. Filed for public inspection April 29, 2005, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Agency Contract Termination of McCollough Insurance Agency under Act 143; Everett Cash Mutual Insurance; Doc. No. AT05-04-002**

A prereview telephone conference initiated by this office is scheduled for May 4, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 2, 2005. A review shall occur on May 26, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before April 27, 2005, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and

address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 26, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 2, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-861. Filed for public inspection April 29, 2005, 9:00 a.m.]

### **Doylestown Women's Health; Prehearing**

#### **Appeal of Doylestown Women's Health under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-006**

On or before April 28, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 3, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 19, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 16, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 5, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 12, 2005.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-862. Filed for public inspection April 29, 2005, 9:00 a.m.]

### **Erie Insurance Exchange; Homeowners Rate and Rule Revision; Rate Filing**

On April 11, 2005, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 0.6% decrease amounting to \$1.674 million annually, to be effective August 1, 2005, for new and renewal business.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Unless formal administrative action is taken prior to June 10, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-863. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 35 Pa.B. 1490 (February 26, 2005) soliciting comments to the export list published at 34 Pa.B. 2763 (May 22, 2004). Consideration was given to all comments received. The Commissioner proposes to amend the May 22, 2004, list to change "railroad liability" to "railroad."

Persons who wish to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, [cbybee@state.pa.us](mailto:cbybee@state.pa.us). Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period or a notice will be published stating that the May 22, 2004, list remains in effect.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-864. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Harlan Giles; Prehearing

#### Appeal of Harlan Giles under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-04-004

On or before April 27, 2005 the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 30, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 18, 2005.

Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 13, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 4, 2005 with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 11, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-865. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Insurance Services Office, Inc.; Private Passenger Automobile Loss Cost Revision; Rate Filing

On April 12, 2005, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for private passenger automobile insurance.

The advisory organization requests an overall 4.2% decrease in loss cost effective September 1, 2005.

Unless formal administrative action is taken prior to June 11, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xl@state.pa.us](mailto:xl@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-866. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Montgomery Hospital Medical Center; Prehearing

#### Appeal of Montgomery Hospital Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S.

#### §§ 1303.101—1303.910); Doc. No. MM05-04-010

On or before May 4, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 9, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 25, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 20, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 11, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 18, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-867. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of William J. Sloss; Erie Insurance Exchange; doc. no. P05-03-021; July 12, 2005, 10 a.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Howard J. Charlebois; Travelers Property and Casualty Insurance; doc. no. P05-03-040; July 13, 2005, 9 a.m.

Appeal of Charles W. Miller, Jr.; Erie Insurance Exchange; doc. no. PI05-03-032; July 13, 2005, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons

participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-868. Filed for public inspection April 29, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3505, 305 South Main Street, Old Forge, PA 18518-1606.

*Lease Expiration Date:* March 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within the Borough of Old Forge.

*Proposals due:* May 20, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3904, 3300 Lehigh Street, Allentown, PA 18103-7037.

Lease 90-day status effective November 1, 2003.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 net useable square feet of new or existing retail commercial space located on Lehigh Street within 1 mile of the intersection of 33rd Street SW, Salisbury Township.

*Proposals due:* May 20, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

The Liquor Control Board seeks the following new site:

Montgomery County, Wine & Spirits Shoppe #4617, Harleysville.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 1-mile radius of Routes 63 and 113, Harleysville.

*Proposals due:* May 20, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113

**Contact:** Robert Jolly, (215) 482-9671  
JONATHAN H. NEWMAN,  
Chairperson

[Pa.B. Doc. No. 05-869. Filed for public inspection April 29, 2005, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Change

The Pennsylvania Council on Aging (Council) meeting scheduled for June 7, 2005, at 1 p.m. has been rescheduled and will now be held at 9 a.m. on Wednesday, June 8, 2005, at the Department of Aging, Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Michele Bell, Administrative Officer at (717) 783-1924 to discuss how the Council may best accommodate their needs.

DARLENE SAMPSON,  
Executive Director

[Pa.B. Doc. No. 05-870. Filed for public inspection April 29, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Filing and Reporting Requirements on Local Exchange Carriers; Doc. No. M-00041857

The Pennsylvania Public Utility Commission (Commission), at its March 23, 2005, public meeting, adopted a tentative implementation order that continues, consolidates and/or eliminates certain filing and reporting requirements presently imposed on local exchange carriers (LECs) operating in this Commonwealth. In addition, in its tentative implementation order, the Commission provides for further comment on the impact of the act of November 30, 2004 (P. L. 1398, No. 183) and the Legislative Budget and Finance Committee's findings in its November 2004 Report pertaining to certain reporting requirements for LECs.

The Commission entered its final order in this matter on April 15, 2005. The Commission will convene a facilitated discussion within 30 days of the entry date of the order to receive additional comment from interested parties, including Commission staff, regarding certain reporting requirements. In addition, the Commission directs that interested parties may file comments to the tentative implementation order within 45 days of the entry date. Comments are to be filed at the Secretary's Bureau at the previous docket number.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-871. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Monitoring and Enforcement of Network Modernization Plans

Public Meeting held  
March 23, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Kim Pizzigrilli

*Monitoring and Enforcement of Network Modernization Plans; M-00051872*

*Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Amendment to NMP); P-00930715F0002*

*Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation Under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Petition For Reconsideration of May 15, 2002 Order); P-00930715*

### Order

*By the Commission:*

At our Public Meeting of March 23, 2005, the Commission had before it a proposed Tentative Order setting forth the details for an audit of the Network Modernization Plan (NMP) of Verizon Pennsylvania Inc. (Verizon). This proposed order was in response to our previous directive to Commission Staff to prepare a recommendation "detailing the nature and scope of an appropriate audit plan related to the network modernization plans of Verizon Pennsylvania Inc. and other Chapter 30 companies." *Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan*, Docket No. P-00930715F0002 et al., Ordering Paragraph No. 16 (Order entered September 17, 2003) (September Order).<sup>1</sup>

Effective December 1, 2004, Act of 2004, P. L. 1398, No. 183 (Act 183), became the new Chapter 30 to Title 66 of the *Pennsylvania Consolidated Statutes*. Prior to Act 183, ILECs who submitted NMPs were able to seek an alternate form of regulation. 66 Pa.C.S. § 3003 (repealed 2004). Act 183 continues the NMPs that are currently in effect but also allows ILECs to amend them to accelerate broadband deployment.<sup>2</sup>

Act 183 also requires that the Commission "monitor and enforce companies' compliance with their interim and final 100% commitments for broadband availability in their amended network modernization plans."<sup>3</sup> ILECs failing to meet their NMP commitments may be required to provide refunds and may also be subject to civil or other penalties pursuant to the Commission's general authority under Chapter 33. 66 Pa.C.S. §§ 3301—3316.

This statutory change, which occurred since we first announced our intent to audit Verizon's NMP, requires us to further evaluate the best way to fulfill our statutory role of monitoring and enforcing companies' compliance with the NMP provisions of Act 183. To ensure that the Commission has the information needed to develop a

<sup>1</sup> A Secretarial Letter dated April 21, 2004, was thereafter issued noticing our intent to "commence the NMP audit program envisioned by the September Order" to ensure that the progress of each NMP "can be adequately tracked and independently verified." After setting forth the specific areas targeted for the audit, the Secretarial Letter indicated that a Request for Proposal (RFP) would be released in the first quarter of 2005 "in order to commence the audit program in a timely manner upon receipt of Verizon's 2004 Biennial Update which is due by June 30, 2005." Finally, while the initial audit would be limited to Verizon, the Secretarial Letter stated that the NMP audit program "may extend to other Incumbent Local Exchange Carriers (ILECs) in subsequent years," and it was served on all ILECs with Chapter 30 plans.

<sup>2</sup> See Act 2004, P. L. 1398, No. 183, § 3014(a)—(b). Since the effective date of Act 183, the Commission has received petitions to amend from all 33 ILECs with NMPs currently in effect. On February 17, 2005, Verizon filed its Petition to Amend.

<sup>3</sup> See Act 2004, P. L. 1398, No. 183, § 3015(a)(2).

useful, comprehensive and appropriate NMP monitoring and enforcement program in accordance with Act 183, the Commission needs further input from interested parties on all relevant issues relating to such an undertaking. For example, commenters should address the nature, extent and funding of any monitoring and enforcement program that may be needed to verify independently, based on a review of company records and on-site inspections, each company's network deployment as reported in its NMP updates. Additionally, commenters should address the appropriate timing of embarking upon such a program in consideration of the time lapse between the Commission's decision to implement an NMP audit program and the passage of Act 183 allowing ILECs to amend their NMPs. Finally, commenters are invited to address other related matters that would assist in our deliberation of this matter.

Due to the complexity of the issues raised, we direct that comments be due within 30 days of the publication of this Order in the *Pennsylvania Bulletin* with replies due 20 days thereafter.

By building on the solid foundations we have already established as a result of our September Order in combination with Act 183 and the input of interested parties, the Commission will be better positioned to fulfill its statutory responsibility of monitoring and enforcing ILECs' NMP commitments. In this way, the Commission will be able to ensure that all Pennsylvanians have the opportunity to receive the benefit of the advanced broadband services contemplated by both the previous version of Chapter 30 as well as Act 183; *Therefore,*

*It Is Ordered That:*

1. The Secretary serve a copy of this order on all incumbent local exchange telecommunications carriers, the Office of Consumer Advocate, the Office of Small Business Advocate and the Pennsylvania Telephone Association. Notice of this Order shall be published in the *Pennsylvania Bulletin*.

2. An original and 15 copies of any comments by interested parties shall be filed with the Secretary within 30 days of publication in the *Pennsylvania Bulletin*. Reply comments shall be filed within 20 days thereafter.

3. The contact persons for this matter are Dennis Hosler, Bureau of Audits, (717) 772-0312, Lou Samsel, Bureau of Fixed Utility Services, (717) 787-5164, and Carl S. Hisiro, Law Bureau, (717) 783-2812.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-872. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 23, 2005. Documents

filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-00121678. He Leads Services, Inc. t/d/b/a United Cab Services** (1 Eastview Terrace, Easton, Northampton County, PA 18045), a corporation of the Commonwealth—persons, upon call or demand, in the Counties of Lehigh and Northampton. *Attorney:* Jay Scherline, 512 Walnut Street, Allentown, PA 18101.

**A-00121683. Betty Jane Buckwalter** (206 Locust Street, New Holland, Lancaster County, PA 17557)—persons, in paratransit service, between points in Lancaster County, and from points in said county, to points in Pennsylvania, and return.

**A-00121682. Senior Assist Services, Inc.** (105 N. Findley Street, Punxsutawney, Jefferson County, PA 15767), a corporation of the Commonwealth—persons, in paratransit service, between points in the Counties of Jefferson, Clearfield, Indiana and Clarion, and from points in said counties, to points in Pennsylvania, and return.

**A-00121679. Good Samaritan Limousine** (6 Helb Street, Box 34, Railroad, York County, PA 17355), a Maryland corporation—persons in limousine service, between points in the Counties of York, Adams and Lancaster, and from points in said counties to points in Pennsylvania and return. *Attorney:* Andrew M. Paxton, Esquire, 135 N. George Street, York, PA 17401.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.***

**A-00121390 (corrected). Ellas Limo, Inc.** (1253 Kerper Street, Philadelphia, Philadelphia County, PA 19111), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania, which is to be a transfer of all the rights authorized under the certificate issued at A-0011642, F.1, and F.1, Am-A, to Angel Limousine Service, Inc., subject to the same limitations and conditions.

**Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.***

**A-00116883, Folder 3. Harry Schuckers t/d/b/a H & D Transportation** (314 McLean Street, Wilkes-Barre, Luzerne County, PA 18702)—persons, in paratransit service, between points in the City of Wilkes-Barre, Luzerne County, and points within an airline distance of 30 statute miles of the limits of the City of Wilkes-Barre.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-873. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Telecommunications

**A-310752F7005. North Pittsburgh Telephone Company and MCImetro Access Transmission Services,**



**LLC.** Joint petition of North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC for approval of a corrected interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC, by its counsel, filed on April 6, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a corrected interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-874. Filed for public inspection April 29, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #04-023.1, 1st Floor Paving, Pier 38 South, until 2 p.m. on Thursday, May 26, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 10, 2005. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on Thursday, May 19, 2005, at 10 a.m. at Pier 38 South, Columbus Blvd. and Christian St., Philadelphia, PA 19147.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-875. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #05-037.P, Miscellaneous Concrete Supplies, until 2 p.m. on Thursday, May 12, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 3, 2005. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-876. Filed for public inspection April 29, 2005, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 05-039.S, Marketing Analysis for the Proposed Southport Expansion, until 2 p.m. on Thursday, May 19, 2005. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on May 3, 2005. The cost of the proposal document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-877. Filed for public inspection April 29, 2005, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

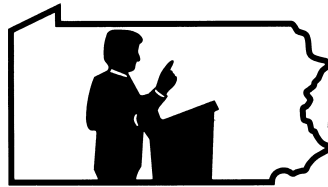
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

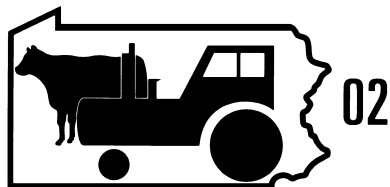
The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room 201 Finance Building  
Harrisburg, PA 17120  
717-787-4586  
1-800-252-4700  
BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,  
*State Treasurer*

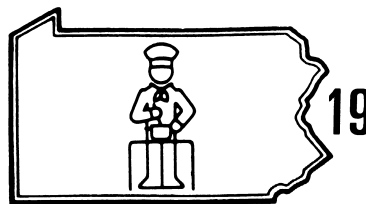
## SERVICES



### Agricultural Services

**5/1** Provide fish food used in a statewide fish culture program during the period July 01 - September 31, 2005. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

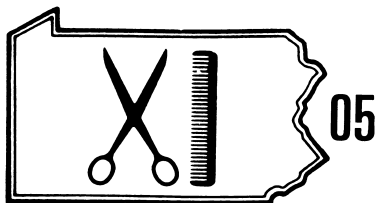
**Department:** Fish and Boat Commission  
**Location:** Statewide to various State fish hatcheries as requested.  
**Duration:** July 01 - September 30, 2005.  
**Contact:** Debbie Rose, (814) 359-5141



### Food

**MILK BID/SEVC/2005-06** Milk—To be delivered three (3) times weekly during yearly contract period.

**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475  
**Duration:** July 1, 2005 through June 30, 2006  
**Contact:** Patricia M. Urban, PA I, (610) 948-2448



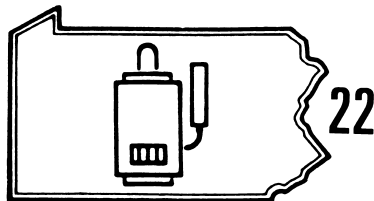
### Barber Services

**SP1345051028** Vendor to provide beautician services weekly for the resident veteran population of the Southeastern Veterans' Center. All work to be performed on-site.

**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475  
**Duration:** July 1, 2005 through June 30, 2006  
**Contact:** Patricia M. Urban, PA I, (610) 948-2448

**SP1345051029** Vendor to provide haircuts for resident veterans of the Southeastern Veterans' Center. Work to be performed on-site.

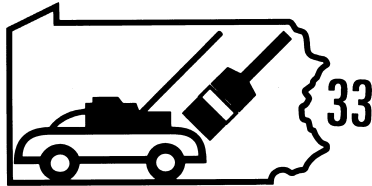
**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475  
**Duration:** July 1, 2005 through June 30, 2006  
**Contact:** Patricia M. Urban, PA I, (610) 948-2448



### HVAC Services

**Fire Damper Inspection, 05** The scope of work under this contract shall generally consist of, but not necessarily be limited to, providing all labor, materials, tools, equipment, items and devices for the inspection and maintenance of all fire dampers at SEVC. All work must also be performed in accordance with 40 CFR Part 82. Contractor required to perform pre-bid inspection to determine exact scope of work.

**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475  
**Duration:** ASAP. Once every Four Years required for life safety code.  
**Contact:** Patricia M. Urban, PA I, (610) 948-2448



## Property Maintenance

**8891** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Warren Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop E, Warren Station, 2875 Pennsylvania Avenue, West Ext. Warren, PA 16365, phone # 814-728-3600  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8900** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Altoona District Enforcement Office, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Altoona District Enforcement Office, 930 Route 22 East, Duncansville, PA 16635, phone # 814-693-6200  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8902** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Norristown Consolidated Dispatch Center, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Norristown CDC, 1399 Sterigere Street, Norristown, PA 19401, phone # 484-250-7710  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8892** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Huntingdon Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop G, Huntingdon Station, R. D. #1, Box 10A, Huntingdon, PA 16652, phone # 814-627-3161  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8895** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Embreeville Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop J, Embreeville Station, 997 Lieds Road, Coatesville, PA 19320, phone # 484-340-3241  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8890** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Ridgway Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop C, Ridgway Station, 15010 Boot Jack Road, Ridgway, PA 15853, phone # 814-776-6136  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8893** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Rockview Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop G, Rockview Station, 745 South Eagle Valley Road, Bellefonte, PA 16823, phone # 814-355-7545  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8901** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Greensburg Consolidated Dispatch Center, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Greensburg CDC, 425 Willow Crossing Road, Greensburg, PA 15601, phone # 717-346-5378  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8897** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Jonestown Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop L, Jonestown Station, 2632 SR 72, Jonestown, PA 17038, phone # 717-865-2194  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8899** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Fern Ridge Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop N, Fern Ridge Station, 11 Park Avenue, New Ventures Park, Blakeslee, PA 18610, phone # 570-646-2271  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8896** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Hamburg Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

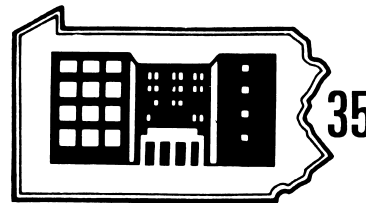
**Department:** State Police  
**Location:** Troop L, Hamburg Station, 90 Industrial Drive, Hamburg, PA 19526, phone # 610-562-6885  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8889** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Indiana Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop A, Indiana Station, 4221 Route 286, Highway West, Indiana, PA 15701, phone # 724-357-1960  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951

**8894** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Lykens Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop H, Lykens Station, 301 State Road, Elizabethtown, PA 17023, phone # 717-362-8700  
**Duration:** 07/01/05 to 06/30/08  
**Contact:** Sandy Wolfe, (717) 705-5951



## Real Estate Services

**098474** Notice is hereby given that pursuant to Title 67 Pa. Code 495.4(d), an application to lease highway right-of-way has been submitted to the Department by L.G. Plank Associates, L.L.C., Daniel L. Lawruk, Managing Partner, of 210 West Plank Road, Altoona, PA, seeking to lease highway right-of-way located at 1254 Old Route 220 North Business, Allegheny Township, Blair County, containing 2838.6 square feet, adjacent to State Route 1001, Section 012, for purposes of a driveway for drive-through associated with existing building. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the Pennsylvania Bulletin, written comments, suggestions and/or objections regarding the approval of this application to Thomas A. Prestash, P.E., District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

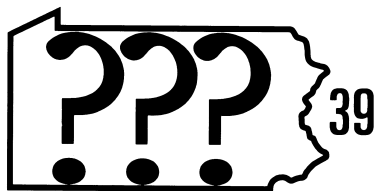
**Department:** Transportation  
**Location:** 1254 Old Route 220 North Business, Duncansville, PA 16635  
**Duration:** 25 years  
**Contact:** Barry E. Clancy, Real Estate Specialist, (814) 696-7211

**93816** LEASE HANGER/OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the State Police with 5,551 useable square feet of hanger/office space in Blair County, PA, with a minimum parking for 10 vehicles, within the Altoona/Blair County Airport. For more information on SFP #93816 which is due on 5/23/05 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on Real Estate to download a SFP document or call (717) 787-4396.

**Department:** State Police  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396

**93837** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA Gaming Control Board with 2,200 useable square feet of office space in West Conshohocken, Montgomery County, PA. For more information on SFP #93837 which is due on May 2, 2005 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on Real Estate to download a SFP document or call (717) 787-4396.

**Department:** PA Gaming Control Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396

**Miscellaneous**

**ADV-243** Indiana University of Pennsylvania (IUP), a member of the Pennsylvania State System of Higher Education, is seeking proposals for a vendor to provide a Web Content Management System to manage the university's web site. Requests for an RFP package should be made in writing, referencing Advertisement No. ADV-243, and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; fax: (724)357-2670; or e-mail: pabashiup.edu. Requests for the RFP package will be accepted until May 7, 2005. A complete RFP package will be mailed shortly thereafter. The University encourage responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education

**Location:** Indiana University of Pennsylvania, Indiana, PA 15705

**Duration:** 6 months

**Contact:** Patty Bash, (724) 357-6469

[Pa.B. Doc. No. 05-878. Filed for public inspection April 29, 2005, 9:00 a.m.]